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September 6, 2012

VIA ELECTRONIC AND OVERNIGHT MAIL

Michael Mintzer
Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

**Re: Newtown Creek Superfund Site – Third Supplemental Response
to Request for Information Pursuant to 42 U.S.C. § 9604(e)**

Dear Michael:

Enclosed please find the Third Supplemental Response ("Response") of Waste Management of New York, LLC ("WMNY") to EPA's October 25, 2011 104(e) Request for Information ("RFI"), along with one CD containing documents referenced in the Response, bates numbered NC04630 to NC04781.

The enclosed Response addresses 75 Thomas Street, Brooklyn, New York ("Subject Facility"), identified as Facility (viii) in the RFI. As we discussed yesterday, the Subject Facility is covered by permits issued by both the New York State Department of Conservation ("NYSDEC Permit") and New York City Department of Sanitation ("NYC Permit"). The NYSDEC Permit reflects a facility address of 485 Scott Avenue, Brooklyn, New York, and covers operations at the Subject Facility as well as 485 Scott Avenue (Facility (vii)), which will be covered in WMNY's next supplemental response. The NYC Permit reflects a property address of Block 2799, Lot 1, and Block 2803, Lots 7, 14, and 25. Block 2803, Lots 14 and 25 were the subject of condemnation by New York State Department of Transportation, as evidenced by a Notices of Appropriation recorded on January 13 and April 25 2012, attached. Accordingly, Lots 14 and 25 are not included within the definition of the Subject Facility.

WMNY continues its good faith efforts to respond to the RFI, and it is anticipated that the next supplement will be submitted by November 2, 2012.

WM1A 1042713v1 09/06/12

A Pennsylvania Limited Liability Partnership



Fox Rothschild LLP
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Michael Mintzer
September 6, 2012
Page 2

Please contact me if you have any questions.

Very truly yours,

Sharon Oras Morgan

Enclosures

Third Supplemental Response of Waste Management of New York, LLC to the U.S. Environmental Protection Agency's Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675 ("CERCLA"), Pertaining to the Newtown Creek Superfund Site, Kings County and Queens County, New York

Subject to the Objections as noted below¹ and the Objections and Preliminary Statement set forth in its Initial Response ("Initial Response") submitted on January 31, 2012, its First Supplemental Response submitted on April 30, 2012 ("First Supplemental Response"), and its Second Supplemental Response submitted on June 29, 2012 ("Second Supplemental Response"), which are reiterated and incorporated herein by reference, and without waiving these or other available objections, Waste Management of New York, LLC ("WMNY") submits its third supplemental response ("Third Supplemental Response" or "Response") to the Section 104(e) Request for Information ("RFI") of the U.S. Environmental Protection Agency ("EPA") pertaining to the Newtown Creek Superfund Site. Pursuant to Instruction No. 5 requesting a separate response for each of the Facilities, this Third Supplemental Response is being submitted with respect to Facility (viii), 75 Thomas Street, (Borough of Brooklyn, Block 2799, Lot 1, and Block 2803, Lot 7) ("Subject Facility").

Nothing in the Initial Response, First Supplemental Response, Second Supplemental Response, or this Third Supplemental Response should be construed as an admission or a waiver by WMNY or any other entity of any available rights, defenses, or claims, all of which are expressly reserved herein. Furthermore, WMNY specifically denies any liability pertaining to the "Site" as that term is defined in Definition No. 2.

II. GENERAL OBJECTIONS

WMNY asserts the following general privileges, protections, and objections with respect to the RFI and each information request therein.

1. WMNY asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work-product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, and any other privilege or protection available to it under law.
2. WMNY asserts that the information being provided herein is confidential business information within the meaning of 40 C.F.R. § 2.203(b), and is therefore subject to the protections set forth in 40 C.F.R. Part 2, Subpart B. WMNY objects to the RFI to the extent it seeks the disclosure of information subject to, and which would be in violation of, confidentiality agreements.

¹ General Objections, as defined below, and specific objections made in response to any RFI shall hereinafter be collectively referred to as "Objections".

3. WMNY objects to Direction No. 4 as being overbroad, unduly burdensome, and unreasonable. Notwithstanding and without waiving this objection, WMNY has undertaken a diligent and good faith effort to respond fully and accurately to all applicable questions, including but not limited to consulting with individuals most likely to have knowledge of the matter to which the question pertains.
4. WMNY objects to Direction No. 6 as being unduly burdensome and unreasonable. The RFI is lengthy and seeks a significant amount of information pertaining to several parcels. It is neither practical nor reasonable to expect WMNY to identify all sources of information for each question. Further, EPA lacks the authority to require WMNY to identify information outside of its possession, custody, or control.
5. WMNY objects to Direction No. 8 as being unduly burdensome, overbroad, and unreasonable. The RFI is unduly broad in nature, scope, and timeframe. It is not possible to identify all individuals who are able to provide details or documentation in response to any question. Notwithstanding and without waiving this objection, WMNY is undertaking diligent and good faith effort to obtain all information from current employees and all information within its possession, custody, or control.
6. WMNY objects to Direction No. 9 as being unduly burdensome, overbroad, and unreasonable. It is not possible to determine the unavailability of documents in existence that may be responsive to the RFI, nor is it possible to identify the contents and recipients of such unavailable documents. WMNY disclaims any responsibility to search for, locate, and/or provide copies of any documents known by WMNY to exist, but not within WMNY's possession, custody, or control.
7. WMNY objects to Direction No. 10 to the extent it seeks information that is privileged, work product, or subject to confidentiality agreements or provisions that preclude disclosure of such information.
8. WMNY objects to Direction Nos. 1, 7, and 11 as being unduly burdensome and unreasonable, as well as being confusing, redundant, and/or contradictory. Regardless of whether EPA is requesting WMNY to provide complete, detailed, precise, and/or specific responses, WMNY states it is undertaking a diligent effort in good faith to respond to the RFI in accordance with the applicable statutory provisions.
9. WMNY objects to Direction No. 12 to the extent it seeks information beyond WMNY's possession, custody, or control and to the extent it seeks home addresses.
10. WMNY objects to Direction No. 15 to the extent it is outside the scope of CERCLA and 40 C.F.R. 2.203(b).
11. WMNY objects to the definition of "Site" as being overbroad and undefined, in that the definition does not identify the source areas or areas of release.

12. WMNY objects to the definition of “industrial waste” as being overbroad and unduly vague.
13. WMNY objects to the definition of “Company” as being overbroad, unreasonable and unauthorized to the extent it is directed to entities other than WMNY, and in being vague in failing to define the terms “constituent” and “affiliate.”
14. WMNY objects to the definition of “identify” to the extent it encompasses home addresses of natural persons. Subject to this objection, current employees and any other natural persons are identified by name and corporate address. WMNY requests that any contacts with its employees identified in these responses or documents provided be initiated through Sharon Oras Morgan, Esquire of Fox Rothschild LLP.
15. WMNY objects generally to the RFI to the extent it is overbroad and directed to entities other than WMNY, and as being unauthorized by law to the extent it is overbroad, unreasonable, unduly burdensome, and not authorized by the provisions of CERCLA or other applicable authority.
16. The responses set forth below are subject to and in addition of the information contained in documents being produced in response to this RFI. Because the Requests for Information are vague and overbroad to the extent they do not define terms, and are in certain instances conflicting and overlapping, each of the Responses incorporates by reference the Responses to all other Requests for Information as well as information contained in the documents being produced and to be produced by WMNY.

REQUESTS FOR INFORMATION

Section 1.0 Company Information

1. Company Identification: Provide the following information with respect to the Company.
 - a. The full legal, corporate name and mailing address.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overly broad and unduly vague to the extent that it seeks confidential business information. Subject to and without waiving its Objections, the full and correct name of the recipient of the RFI is Waste Management of New York, LLC. Addresses for mailing and service of process are set forth in section (b) below.

- b. The state and date of incorporation, the date of qualification to do business in the State of New York, and the agents for service of process in the state of incorporation and in New York State.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overly broad and unduly vague and to the extent that it seeks confidential business information. Subject to and without waiving its Objections, WMNY is a Delaware limited liability company incorporated on January 27, 1998, qualified to do business in the State of New York on February 4, 1998. The Registered Agent in Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. The Registered Agent in New York State is CT Corporation System, 111 Eighth Avenue, New York, NY 10011. The address to which process will be mailed, if accepted, is to the attention of Legal Department, 1001 Fannin Suite 4000, Houston, TX 77002.

- c. *The Chief Executive Officer or other presiding officer of the entity and the mailing address of that officer.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overly broad and unduly vague and to the extent that it seeks confidential business information. Subject to and without waiving its Objections, Waste Management of New York, LLC is a Delaware limited liability company incorporated on January 27, 1998, qualified to do business in New York. The Registered Agent in Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. The Registered Agent in New York State is CT Corporation System, 111 Eighth Avenue, New York, NY 10011. The address to which process will be mailed if accepted is to the attention of Legal Department, 1001 Fannin, Suite 4000, Houston, TX 77002.

- d. *If the Company is a successor by merger, acquisition or other activity to any other entity, identify each such entity and describe the nature of the succession. Please provide purchase and sale documents that related to such merger, acquisition or other activity including any indemnities associated with such activity.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of CERCLA, and as seeking confidential business information.

- e. *If the Company is a subsidiary, division, branch or affiliate of another corporation or other entity, identify each of those other entities and those*

entities' Chief Executive Officers or other presiding officers. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each entity identified in your response to this question.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information.

f. Please identify the relationship of the Company to each of the following entities:

- i. B.Q.E. Services, Inc.;*
- ii. Star Recycling, Inc.;*
- iii. Allied Sanitation, Inc.;*
- iv. Rendering Company of America, Inc. (RENCOA);*
- v. NY Acquisition Sub, Inc.;*
- vi. Waste Management, Inc.;*
- vii. Waste Management National Services, Inc.;*
- viii. Waste Management Disposal Services of New York, Inc.;*
- ix. Waste Management of New York City, Inc.;*
- x. Waste Management of Varick Avenue, Inc.;*
- xi. Waste Management of New York, Inc.;*
- xii. Waste Management of New Jersey, Inc.;*
- xiii. Waste Management, LLC.;*
- xiv. Veolia Es Industrial Services, Inc.; and*
- xv. BFI Waste Services.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information. By way of further response, WMNY reserves the right to amend and/or supplement this response as its investigation continues and to the extent relevant and within the scope of 42 U.S.C. § 9604(e). Subject to and without waiving its Objections with respect to the Subject Facility, WMNY responds as follows:

Block 2799, Lot 1 was transferred from Allied Sanitation to New York Acquisition Sub, Inc. ("NYASI"), a Delaware corporation, on March 8, 1996. Block 2803, Lot 7 was also transferred to NYASI on March 8, 1996, at which time NYASI changed its name to WM of New York, Inc. Both parcels were deeded to WMNY from Waste Management of New Jersey, Inc. as successor through merger to WM of New York, Inc., on September 30, 2010.

2. *Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.*

RESPONSE:

Future communications should be sent to counsel for WMNY, whose contact information is as follows:

Sharon Oras Morgan, Esquire
Fox Rothschild, LLP
919 North Market Street, Suite 1300
Wilmington, DE 19899
(302) 622-4246
smorgan@foxrothschild.com

Section 2.0 Owner/Operator Information

3. *Separately provide a brief summary of the Company's relationship to each Facility (see Definition number 9.a for "Facility") and each Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), including the following. Please see Direction number 5 which requires that the Company respond to the Requests for Information separately for each of the Facilities as though each Facility was the subject of a separate Request for Information.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), outside of WMNY's possession, custody or control, and as seeking confidential business information. Subject to and without waiving its Objections, WMNY hereby provides information as to the Subject Facility subject to and in addition to information being made available through documents being produced. WMNY reserves the right to amend and/or supplement this Response as additional information becomes available.

- a. *Nature of the Company's interest in the Facility and each Other Newtown Creek Property;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), outside of WMNY's possession, custody or control, and as seeking confidential business information. Subject to and without waiving its Objections,

see Response to RFI 1(f) above.

- b. Corporate identity of any entity affiliated with the Company that holds or held such interest;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), outside of WMNY's possession, custody or control, and as seeking confidential business information. Subject to and without waiving its Objections, see Response to RFI 1(f) above.

- c. Address, Borough, Block and Tax Lot Identification and map or schematic locating the Facility and each Other Newtown Creek Property;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), outside of WMNY's possession, custody or control, and as seeking confidential business information. Subject to and without waiving its Objections, the Subject Facility is known as 75 Thomas Street, Borough of Brooklyn, NY, Block 2799, Lot 1, and Block 2803, Lot 7.

- d. Dates of acquisition and date of disposition of interest and identity of transferor and transferee;*

RESPONSE:

WMNY incorporates herein its Objections and Response to RFI 1(f) above.

- e. Dates of operation and date of cessation of operation and identity of lessor, licensor or other person with paramount interest (e.g., property owner, prime leaseholder);*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 4(b) below.

- f. The principal business and each other line of business conducted by the Company at the Facility and at each Other Newtown Creek Property; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information. Subject to and without waiving its Objections, WMNY states that the Subject Facility operates as a clean wood processing facility as part of a non-putrescible solid waste transfer station permit issued by the New York City Department of Sanitation and New York State Department of Environmental Conservation.

- g. Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, purchase and sale agreements, partnership agreements, etc.).*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information. Subject to and without waiving its Objections, see documents being produced as well as documents filed of record and publicly available on the Automated City Register Information System ("ACRIS").

- 4. Identify all entities who concurrently with the Company exercise or exercised actual control or who held significant authority to control activities at the Facility, including:*
- a. Lessees, sublessees, partners, joint venturers or holders of easements;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that pre-dates its interest in the Subject Facility and/or information that is outside its possession, custody, and control. Subject to and without waiving its Objections, the Subject Property has not been the subject of any joint venture, partnership, lease or sublease during the time of ownership by WMNY. WMNY leases certain equipment pursuant to an Operating Agreement referenced in Response to RFI 4(b) below. WMNY is unaware of any holders of easement beyond those which would have appeared of public record.

- b. Contractors, subcontractors, licensees or licensors that exercised control over any materials handling, storage, or disposal activity;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as seeking information outside its possession, custody, and control, as being vague in failing to define the term “exercised control,” and as being overly broad and outside the scope of 42 U.S.C. § 9604(e) to the extent it seeks information about contractors or vendors that have delivered to or otherwise handled petroleum and other products for use by WMNY at the Subject Facility. Subject to and without waiving its Objections, WMNY responds that Harvest Power, which upon information and belief trades as Reliable Wood Products (“Reliable”) is the operator of wood processing operations at the Subject Facility, and has been since on or about November 15, 2008.

- c. Pipelines providing delivery of materials to, distribution within or shipment from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as seeking information outside its possession, custody, and control, and as being outside the scope of 42 U.S.C. § 9604(e) to the extent it seeks information about public utilities or municipal systems. Subject to and without waiving its Objections, WMNY responds that except with respect to public water and septic, pipelines have not delivered materials to or shipped from the Subject Facility during WMNY’s ownership, custody or control of the Subject Facility.

- d. Railroads or rail lines providing delivery of materials to or shipment from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that neither railroads nor rail lines have provided delivery of materials to or shipment from the Subject Facility at any time during WMNY’s ownership, custody, or control.

- e. Truckers providing delivery of materials to or shipment from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as seeking information outside its possession, custody, and

control, and as being vague to the extent it does not define the term “Truckers.” Subject to and without waiving its Objections, WMNY responds that trucks owned by WMNY and by other haulers deliver unprocessed wood to the Subject Facility, and trucks owned and operated by third parties ship processed wood and residue from the Subject Facility. Trucks also deliver equipment maintenance-related petroleum products to the Subject Facility. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- f. Barge service companies providing delivery of materials to or shipment from the Facility; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that the Subject Facility at no time during WMNY’s ownership, custody or control received delivery of or shipped materials via barge.

- g. Any other person with activities and/or easements regarding the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly vague in failing to define “activities,” unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking publicly available information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it is not in the possession of any information responsive to this question apart from the information already provided herein and in documents produced.

- 5. Identify all current or prior owners that you are aware of for the Facility. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:*

- a. the dates of ownership and operations conducted at such times;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking publicly available information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Responses to RFI 1(f) and 3(a) above and incorporates by reference information publicly available in property records, including

ACRIS.

- b. any corporate or real estate affiliation between the Company and each such prior owner; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in seeking information about corporate or real estate “affiliation,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Responses to RFI 1(f) and 3(a) above.

- c. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior owners owned the Facility with such details as you are aware of.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague and as seeking information outside its possession, custody, and control. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- 6. Identify all current or prior operators that you are aware of for the Facility. For each such operator, further identify, if known, and provide copies of any documents you may have regarding:*
 - a. the dates of operation;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Responses to RFI 1(f) and 3(a) above.

- b. any corporate or real estate affiliation between the Company and each such prior operator, including, without limitation;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in seeking information about corporate or real estate “affiliation,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Responses to RFI 1(f) and 3(a) above.

c. the nature of the operations at such times; and

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control.

d. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior operators were operating the Facility.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control.

7. Litigation and Administrative Activity:

a. Has the Company or an affiliate been a party to any litigation, whether as plaintiff or defendant, where an allegation included liability for contamination of or from the Facility, any Other Newtown Creek Property or any other facility within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, identify such litigation and its disposition, briefly describe the nature of the Company's involvement in the litigation and provide a copy of the pleadings and any final order.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as seeking publicly available information and information outside its possession, custody, and control, and as seeking confidential and privileged information. Subject to and without waiving its Objections, upon information and belief WMNY has not been a party to any litigation where an allegation included liability for contamination of or from the Subject Facility, any Other Newton Creek Property or from

any other facility within 1,000 feet of Newtown Creek. To the extent WMNY has been a party to litigation pertaining to any other Facility, any such information responsive to this question will be answered in the Response specific to that Facility. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and additional information becomes available.

- b. *Has the Company or an affiliate been identified by the U.S. Environmental Protection Agency or by any New York State or New York City agency as a party responsible for environmental contamination with respect to a facility located within 1,000 feet of Newtown Creek? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in requesting information pertaining to “such notice of responsibility,” as seeking information which is publicly available, and seeking information outside its possession, custody, and control, and as seeking confidential and privileged information. Subject to and without waiving its Objections, WMNY responds that upon information and belief, it has not been identified as a party responsible for environmental contamination with respect to the Subject Facility. WMNY also incorporates by reference information available in the files of all applicable governmental agencies.

8. *Ownership of Newtown Creek: At the present time or at any past time, has the Company or any affiliate:*
- a. *Owned any portion of Newtown Creek or wetlands associated with Newtown Creek?*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that the extent of its ownership of the Subject Facility is set forth in the legal description attached to the Deed dated September 30, 2010, a copy of which is being produced.

- b. *Asserted control or exclusive rights to use any area of Newtown Creek or wetlands associated with Newtown Creek, for any purpose including, without limitation, dredging, filling, construction, maintenance or repair of any facility located in the waters, the associated wetlands or sediments,*

including, by way of example, bulkheads, rip rap, pipes, wharfs, piers, docking, loading or unloading facilities, cranes or over-water facilities.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY did not engage in dredging, filling, construction, maintenance, or repair in association with Newtown Creek at the Subject Facility.

- c. *If the answer to either subparagraph "a" or "b" of this paragraph is yes, please identify the areas owned or controlled, or over which the company has a right to use, provide an explanation of how and from whom the Company acquired such ownership or control, provide a copy of all title documents, leases, permits or other instruments where such right was derived, and describe all activities conducted pursuant thereto.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 8(b) above.

9. *Operations In, Under or Over the Waters or On the Sediments of Newtown Creek:*

- a. *Describe all activities at the Facility that were conducted over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, industrial waste, petroleum or other waste materials and whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that the Subject Facility was a permitted construction and demolition facility at the time of purchase by WMNY. WMNY operated a municipal glass recycling operation up until approximately 2007. From 2008 to the present, the Subject Facility has been operated by Reliable Wood Products as a clean unadulterated wood chipping facility. WMNY incorporates by reference the Subject Facility Permit and Spill Prevention Control and Countermeasure

(SPCC) Plan (which covers the Subject Facility as well other parcels, to be addressed in a separate response), a copy of which is being produced. The Subject Facility has never been permitted for nor has it accepted hazardous materials for handling. Small amounts of petroleum products are used in connection with maintenance activities. Used petroleum is taken off-site by a licensed third-party contractor. Upon information and belief neither petroleum nor any hazardous substances have been discharged into Newtown Creek from the Subject Facility during WMNY's ownership.

- b. *Has the Company, or any affiliate, at any time, constructed or operated any facility in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that upon information and belief, no operations at the Subject Facility ever took place in or over Newtown Creek.

- c. *Has the Company, or any affiliate, at any time constructed, operated or utilized any facility under the waters or sediments of Newtown Creek, including without limitation pipes, pipelines, or other underwater or under sediment facilities.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being vague in failing to define "other underwater or under sediment facilities," and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that the Subject Facility has not constructed, operated, or utilized any facility under the waters or sediments of Newtown Creek during WMNY's ownership.

- d. *If the answer to subparagraph "b" or "c" of this paragraph is yes, please provide details including the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, all permits associated with the construction or operation and the nature of the Company's authorization to construct or maintain such facilities in Newtown Creek including from whom the operating rights were obtained, and provide copies of relevant*

deeds, leases, licenses and permits.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- e. Provide a summary of over-water activities conducted at the Facility, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, cleaning, maintenance, or repair.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “over-water activities,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that, it has not conducted any activities associated with vessels at the Subject Facility.

- f. Utilized barges, tankers or other ships in any operations on Newtown Creek and, if so, provide details. With respect to barge, tanker and shipping operations,*
- i. Identify all products and raw materials transferred to or from barges, tanks and ships and the dates of such operations;*
 - ii. Describe the method of transfer to and from barges or other ships during all periods of such activities;*
 - iii. Identify the types of barges or ships utilized and the depth of the water where barges or ships were moored;*
 - iv. Describe barge, tanker or other ship cleaning operations, if any, including the cleaning methods that were used, how cleaning waste was handled; and*
 - v. Describe spill prevention controls that were utilized in delivery or pick-up of materials.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it has not utilized tankers, barges, or ships at the Subject Facility.

- g. *State whether any of the operations required to be identified above resulted in disposal or spillage of any materials into Newtown Creek or the re-suspension of any sediments of Newtown Creek. If the answer is a "yes" please provide details and documentation of such events.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “materials” or “re-suspension of any sediments,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it has not utilized tankers, barges, or ships at the Subject Facility.

10. *Identify each and every Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), that your Company presently or previously owns (or owned), leases (or leased), manages (or managed), operates (or operated), controls (or controlled), or otherwise has or had rights to use, manage or operate, within the area extending one-thousand feet from the shoreline of Newtown Creek (Definition number 1 above defines "Newtown Creek" to include all tributaries or branches of Newtown Creek).*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that “Other Newtown Creek Properties” were identified in WMNY’s Initial Response and First Supplemental Response. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and additional information becomes available.

Section 3.0 Description of the Facility

11. *Provide the following information for the Facility, including a description responsive to each question and depictions by map, drawing, survey or otherwise:*
- a. *Address and borough, block and lot;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further response, see Response to RFI 3(c) above.

- b. historic photographs, including without limitation, aerial photographs, photographs showing construction, industrial or commercial processes, sanitary and storm sewer systems, outfalls, indoor and outdoor storage of materials or products, and photographs during construction;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- c. all surveys and drawings of the Facility in your possession showing current configurations and improvements as well as previous configurations and improvements;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- d. sanitary sewer system information, including drawings, sewer easements, surveys or maps showing location and configuration both as currently configured and previous configurations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, see attached. WMNY will produce documents in its possession to the extent responsive and properly within the scope

of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- e. *storm water sewer system information, including drawings, surveys or maps showing location and configuration both as currently configured and previous configurations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- f. *all below-ground structures, including, pipes, pipelines, sumps, wells, dry-wells and other structures for storage or conveyance of solid, gaseous or liquid materials, whether above ground or below ground, and whether owned or operated by you or by another, and as presently configured and as previously configured;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- g. *all above-ground structures, including buildings and including all facilities for storage or transport of solid, liquid or gaseous materials, whether owned or operated by you or by another, and as presently configured and as previously configured;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this

RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- h. all over-water or in-water facilities (e.g., piers, docks, cranes, bulkheads, pipes, treatment facilities, containment booms, etc.),*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it neither owns nor operates over-water or in-water facilities at the Subject Facility.

- i. all treatment or control devices for all media and pursuant to all environmental laws and regulations (e.g., surface water, air, groundwater, hazardous waste, solid waste, etc.);*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- j. groundwater wells, including drilling logs; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, no groundwater wells have been installed on the Subject Facility by WMNY.

- k. information related to any other outfalls, ditches, direct discharge facilities or other conveyance features and any discharges associated therewith.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody,

and control. Subject to and without waiving its Objections, WMNY responds that the Subject Facility does not discharge into Newtown Creek. By way of further answer, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

12. *For all items identified in subparagraphs e, f, g, h, i, j, or k, locate each such item on a Facility map or plan, provide the date of installation, identify all permits associated with each item, state whether such items are still in service or, if not, when they were removed from service, identify all leaks or spills, if any, associated with each, and identify any closure of any such item.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

13. *For each permit identify the type of permit, the agency or governmental authority issuing the permit and provide a copy of the permit and any reports required to be generated by the permit.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that is publicly available and/or outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference all permits obtained by WMNY relating to the Subject Facility and within WMNY's possession, custody, and control, copies of which are being produced herewith or will be produced. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

14. *With Regard to the Placement of Fill at the Facility:*

- a. *Was any fill placed on the Facility during the initial development of the Facility by the Company, or at any time thereafter? If so, identify all areas of the Facility where fill was placed, the lateral extent of the fill and the depth of the fill, the purpose of the placement, the source of the fill, the amount of the fill in each area, and the identity of the contractors involved in work related to the fill. State whether the fill has ever been characterized,*

either before placement or thereafter and, if so, provide a copy of the sampling/characterization results.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that there was no “initial development” of or “placement of fill” at the Subject Facility by WMNY. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- b. Were any portions of the Facility historically part of Newtown Creek or did the Facility formerly include any marshlands or wetlands associated with Newtown Creek. Please depict any such areas on a survey, drawing or schematic. Please provide your understanding of who filled any such wet areas, the approximate date of such fill, and the lateral extent and depth of such fill, the source of the fill, the composition of the fill and, if any sampling has ever been done of such filled areas, provide a copy of the sampling results.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY is without information as to whether the Subject Facility was ever “historically” part of Newtown Creek.

- 15. Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

16. *Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) on the Facility. For each such unit or area, provide the following information:*
- a. *a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- b. *dated aerial photograph of the site showing each unit/area;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- c. *the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference the SPCC Plan being produced.

- d. *the dates that the unit/area was in use;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that upon information and belief, the Subject Facility has operated since the time of purchase by WMNY.

- e. the purpose and past usage (e.g., storage, spill containment, etc.);*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference the SPCC Plan for the Subject Facility, a copy of which is being produced.

- f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that it did not handle or accept hazardous substances at the Subject Facility, and incorporates by reference the SPCC Plan for the Subject Facility. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference the SPCC Plan for the Subject Facility, a copy of which is being produced. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- h. If the unit/area described above is no longer in use, explain how such unit/area was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that the municipal glass recycling operation in effect at the time of purchase ceased operation in or about 2007.

- 17. Provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, or ditches discharging into Newtown Creek from the Facility:*

- a. the location and nature of each sewer line, drain, or ditch;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, the Subject Facility does not have any direct connection to Newtown Creek. A septic system and dry wells are located on the Subject Facility.

- b. the date of construction of each sewer line, drain, or ditch;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, the Subject Facility does not have any direct connection to Newtown Creek.

- c. whether each sewer line, drain, or ditch drained any hazardous substance, waste, material or other process residue to Newtown Creek; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody,

and control. Subject to and without waiving its Objections, the Subject Facility does not have any direct connection to Newtown Creek. There is no outfall on the Subject Property, nor is there a direct connection to an outfall to Newtown Creek. By way of further answer, storm water on site is managed through dry wells on the Subject Facility.

- d. *provide any documentation regarding but not limited to the following on any and all outfalls to Newtown Creek which are located within the boundaries of the Facility. Your response should include, but not be limited to:*
- i. *whether the Facility is serviced by or otherwise drains or discharges to the outfalls and, if so, the source of the outfall;*
 - ii. *the identify of upland facilities serviced by the outfalls;*
 - iii. *the upland geographic area serviced by the outfalls; and*
 - iv. *the type of outfall (i.e., storm water or single or multiple facility outfall).*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, see response to RFI 17(c). By way of further answer, WMNY is seeking coverage under the NYSDEC Multi-Sector General Permit. See documents attached hereto.

18. *Provide copies of any storm water or Facility drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any stormwater pollution prevention, maintenance plans, or spill plans developed for different operations during the Company's operation of the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

19. *Connections to New York City sewer system:*

- a. *State whether the Facility is connected to the New York City sewer and the date that the Facility was first connected;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that the Subject Facility is not connected to the New York City sewer.

- b. State whether the Facility has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being vague in its reference to “liquid waste”, and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it has not discharged any hazardous or otherwise regulated materials through the New York City sewer system.

- c. State whether the Facility participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome, as being vague in failing to define “pretreatment program,” being outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that WMNY’s operations at the Subject Facility have not been classified as a significant industrial use. To the extent documents exist responsive to this Request they are being produced. WMNY reserves the right to supplement or amend this Response should additional information become available.

- d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, the Subject Facility is not connected to the New York City Sewer System.

- e. Provide copies of all permits and permit applications for Industrial Wastewater discharge permits;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, and subject to information otherwise provided in its Response, WMNY is not subject to any requirement to obtain a permit for Industrial Wastewater discharge into Newtown Creek or the New York City sewer system from the Subject Facility.

- f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, upon information and belief the Subject Facility has not been subject to notices of violations or other dispositions regarding use of the New York City sewer system by WMNY.

- g. Copy of Baseline Monitoring Reports submitted to NYC in connection with the Company's application for an industrial wastewater discharge permit;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it is not required to have a permit to discharge industrial waste into the New York City sewer system from the Subject Facility.

- h. Copies of all surveys, reports or analyses delineating or characterizing the company's liquid wastes;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “liquid wastes” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY has no such documents in its possession, custody or control.

- i. Copies of all periodic monitoring reports for wastes discharged through the sewer system; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “wastes discharged,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY has no such documents in its possession, custody or control.

- j. Copies of all invoices from NYC or the NYC Water Board for water and/or wastewater charges including any wastewater allowances.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), to the extent the requested information is publicly available, and as seeking information outside its possession, custody, and control.

Section 4.0 Company's Operational Activities

- 20. *Describe the nature of your operations or business activities at the Facility. If the products or processes, operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased. Also, please provide the following:*

- a. Separately identify and describe the waste management businesses conducted at each of the Facilities;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 9(a) above.

- b. In addition to the waste management business, identify each other business activity for which the Facility has been used since its acquisition by the Company, including, without limitation, trucking, barging, truck to barge operations or other waste transfer, vehicle storage, repair, service or maintenance, warehousing, leasing or other;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 9(a) above.

- c. Identify each industrial process employed at the Facility and the raw materials used and the wastes generated;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being vague in failing to define “industrial process,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that the operations of the Subject Facility are set forth in the documents being produced.

- d. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Company's operations, from time to time, on the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI.

- e. Provide a schematic diagram that indicates which part of the Company's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “waste,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it will produce documents in its possession to the extent responsive and properly within the scope of this RFI.

- f. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from the Company's operations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference the SPCC Plan being produced. By way of further answer, an office trailer located on the Subject Facility is serviced by a septic system.

- g. Provide copies of any Material Safety Data Sheets (MSDSs) and Right-to-Know Notices for raw materials used in the Company's operations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI.

- h. Provide copies of MSDSs for each product produced at the Facility; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “product,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it has not engaged in the production of any “product” at the Subject Facility that would result in generation of an MSDS.

- i. *Provide product literature and advertising materials for each Company product or service carried out at each Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY has no such documents in its possession, custody, or control.

21. *Did the Company store or combust coal at the Facility during the time of its ownership or operation? If your answer is yes, please respond to the following requests for information for all periods of time that the company operated at or owned the Facility:*

- a. *Identify the purposes for such coal storage or combustion, including if used in energy production, the processes in which the energy was used at the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- b. *State the means by which the shipments of coal were delivered to the Facility, whether by barge, rail, truck or other, and identify the shipper and the vendor. Describe how the coal was received at the Facility and transported to storage facilities;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- c. *Identify the volume of coal received at the Facility, the type or types of coal*

(i.e. bituminous, anthracite, etc.) received and consumed on an annual basis during the period of the Company's ownership or operations, including changes over time;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- d. *Describe the means of storage of coal at the Facility, including whether the Facility employed coal pockets or other storage areas, the dimensions and volume of such storage facilities, and whether such storage was indoors or outdoors and covered or uncovered. Identify on a Facility map or diagram the location of the coal storage facilities. Describe the means of transport of the coal from the storage facilities to the combustion point;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- e. *Identify how the coal ash was managed including the location and storage facilities for the coal ash and whether it was stored indoors or outdoors, covered or uncovered, the means of conveying the ash to the on-site storage facilities, the location of the storage facilities, and, if sent for disposal, identify the disposal companies. State whether the ash was ever used at the Facility, whether as fill or for any other purpose, or if it was in any other manner disposed of at the Facility and, if so, describe the circumstances and identify the areas of disposal on a Facility map;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- f. State whether there were Company written manuals providing for coal purchase, storage, maintenance of storage facilities, transport, consumption, or ash management and, if so, provide a copy of such written materials; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- g. State whether there were any permits associated with the coal receipt, storage, or consumption or ash management and, if so, provide a copy of such permits.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at the Subject Facility.

- 22. Describe the receipt, storage and off shipment of chemicals, raw materials, intermediary product, and final product (including, without limitation petroleum) at the Facility. For each question, identify the time period covered by your response. Please provide a copy of Company manuals that over time were in effect describing these procedures.*

- a. For receipt of materials, please identify:*

- i. *all such materials (including, without limitation, petroleum) received, stored at or shipped from the Facility;*
- ii. *its method of shipment to the facility (e.g., pipeline, barge, rail, tanker, truck, or other);*
- iii. *testing, if any, upon receipt of such material, for quality, for conformity to specification, for contamination or otherwise; and*
- iv. *treatment, if any, at the Facility of any material shipped to the facility, prior to storage in tanks at the facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “product” or “materials,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that at various times WMNY and Reliable store small quantities of petroleum product for use for the maintenance and operation of equipment at the Subject Facility. Such used petroleum is transported and disposed of off-site by a licensed third-party contractor. WMNY also incorporates by reference its Response to Question No. 9(a) above. WMNY reserves the right to amend and/or supplement this Response as investigation continues and additional information becomes available.

- b. *For metals and metal compounds (including but not limited to raw materials, scrap, byproducts, ash, wastewater and wastes containing metals or metal compounds but not including metals as components of structures or equipment): Identify any metals and metal compounds previously or currently used or otherwise present at the Facility; the purpose for each of them; any testing done on such materials; and the method and location of use, storage and other handling of such materials at the Facility. Identify all spills, emissions, discharges and releases of any such substances at or from the Facility since the time that your Company owned or operated the Facility. Please provide any MSDSs for each such substance.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being overbroad and vague in seeking information about “metals” and “metal compounds,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY has no documents in its possession, custody or control responsive to this RFI.

- c. *For polychlorinated biphenyls ("PCBs"): Identify any PCBs previously or currently used or otherwise present at the Facility, including, but not*

limited to (i) PCBs in plasticizers, fire retardants, paints, water-proofing, railroad ties, heat stabilizing additives for adhesives, and other materials; (ii) PCBs in capacitors, transformers, vacuum pumps, hydraulic systems, and other devices; and (iii) PCBs in raw materials, wastes, wastewater, scrap, and byproducts. Identify the purpose for each of them; any PCB testing done on such materials; and the method and location of use, storage and other handling of PCBs at the Facility. Identify all spills, emissions, discharges and releases of any PCBs at or from the Facility since the time that your Company has owned the Facility. Please provide any MSDSs for PCBs at the Facility.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that to the best of its knowledge, PCBs have not been stored, used, discharged, or have otherwise been present on the Subject Facility during WMNY's ownership, custody, or control.

d. Provide copies of any records, including Company manuals or written procedures that you have in your possession, custody or control relative to the activities described in this Question.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being vague as to the subject of information sought, and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY has no documents in its possession, custody and control as it did not handle PCBs.

23. *Describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on the Facility. Provide the brand name of all pesticides or herbicides used.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being overbroad and vague in its reference to the terms "application," "pesticides," and "herbicides," and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it has not applied any such material to the extent considered hazardous substances at the Subject Facility.

24. *For all periods of the Company's ownership or operation of the Facility, describe how wastes transported off the Facility for disposal or treatment were handled, stored, and/or treated prior to transport to the disposal facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that the Subject Facility is a permitted non-putrescible solid waste transfer station that operates as a wood processing facility. Residual wood wastes are stockpiled prior to off site disposal. Any used oil associated with equipment maintenance is transported and disposed of off-site by a licensed third-party contractor. WMNY also incorporates by reference the SPCC Plan, copies of which are being produced.

25. *Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:*

a. *the types of materials used to clean/maintain this equipment/machinery;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that the maintenance area of the Subject Facility utilizes lube oil, antifreeze, and household grade cleaners (such as glass cleaner) in maintaining equipment. Used parts cleaning material and used oils are transported and disposed of off-site by a licensed third-party contractor.

b. *the monthly or annual quantity of each such material used;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that documents will be produced to the extent such information is available.

c. *the types of materials spilled in the Company's operations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that to the extent incidental spills of petroleum occurred, they would be cleaned up with speedi-dri absorbent, which would have been properly disposed of as a solid waste. WMNY reserves the right to supplement this Response as investigation continues and as additional information becomes available.

d. the materials used to clean up those spills;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 25(c).

e. the methods used to clean up those spills;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 25(c).

f. where the materials used to clean up those spills were disposed of;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 25(c).

g. provide copies of Company manuals or procedures relating to cleaning of equipment and machinery and the Facility; and

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference the SPCC Plan being produced.

- h. provide copies of all records of such cleaning and maintenance including internal records and records from any outside vendor for such services.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- 26. Describe all wastes disposed by the Company into drains at the Facility, including but not limited to:*

- a. the nature and chemical composition of each type of waste;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that it does not dispose of hazardous wastes into drains at the Subject Facility.

- b. the approximate quantity of those wastes disposed by month and year;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections and subject to information otherwise provided in its Response and documents being produced, WMNY responds that it does not dispose of hazardous wastes into drains at the Subject Facility.

- c. the location to which these wastes drained (e.g. septic system or storage tank at the Facility, oil-water separator, pre- treatment plant, New York City sewer system); and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections and subject to information otherwise provided in its Response and documents being produced, WMNY responds that it does not dispose of hazardous wastes into drains at the Subject Facility.

d. whether and what pretreatment was provided.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections and subject to information otherwise provided in its Response and documents being produced, WMNY responds that it does not dispose of hazardous wastes into drains at the Subject Facility.

27. *Identify all oil/water separators at the Facility during the Company's ownership or operation including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that is publicly available and/or outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that there are no oil/water separators on the Subject Facility.

28. *Identify each fixed above-ground storage tank and each fixed below-ground storage tank that is or was situated on the Facility during the Company's ownership or operation. For each tank, identify the date of installation, the dates and nature of major modifications, the dates and nature of spill detection equipment, the dates and nature of cathodic protection equipment, and description or drawings of tanks, identity of contents that have been stored in the tank both before (if known) or during the Company's ownership or operation, and the practices of cleaning at the time of any change in items stored, and the manner of ultimate disposal of wastes from the tank. Identify procedures for addressing spills from the tanks and identify all spills that have occurred during the Company's ownership of the Facility. Provide a copy of all*

permits relating to the tank and provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, addressing use and maintenance of such tanks.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that upon information and belief there are no tanks on the Subject Facility.

29. *Identify each pipeline serving the Facility that is or was situated on the Facility property (either above- or below- ground) during the Company's ownership or operation. For each pipeline, identify the owner and the operator for the pipeline and the owner or operator of the pipeline to which such segment is connected, and provide a copy of all permits relating to the pipeline on the Facility, the date of installation, all materials transported to the Facility through the pipeline, including crude petroleum or petroleum products, additives, other refining materials, batch separators, natural gas, manufactured gas, other fuel sources, chemicals and/or other materials. Describe pipeline cleaning processes and procedures for handling and disposal of wastes in the pipelines including mixed batches of materials in the pipeline. Identify procedures for addressing spills from the pipelines and identify all spills that have occurred during the Company's ownership of the Facility. Please provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, which address or regulated use and maintenance of such pipelines.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that except with respect to connection to public water and septic, no pipelines are utilized by WMNY at the Subject Facility.

Section 5.0 Regulatory Information

30. *Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation at the Facility, the activity regulated, and the applicable federal, state and local statute or regulation from which such regulation was derived.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being vague, overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as calling for conclusions of law, and as seeking publicly available information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY incorporates by reference documents maintained and made publicly available by the regulatory authorities referenced in this RFI and incorporates by reference documents being produced. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

31. *Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Facility related to environmental concerns. Provide copies of all documents associated with each occurrence described.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being vague, overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “occurrences,” and as seeking publicly available information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY incorporates by reference documents being produced as well as those maintained and made publicly available by the applicable governmental agencies. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

32. *Provide a list of all local, state, and federal environmental permits which have been applied for or issued to the Company with respect to the Facility for any media, e.g., water (including SPDES and NPDES, NYC sewer permit, Industrial Pretreatment Program permit or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, industrial wastewater, etc. under any environmental statute or regulation. Provide a copy of each federal and state permit, the applications for each permit.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that is publicly available and/or outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY incorporates by reference documents being produced as well as those maintained and made publicly available by the regulatory authorities referenced in this RFI. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

33. *Has the Company or any affiliate, contractor, or agent associated with the Company or an affiliate, or any individual associated with any of the foregoing ever been accused of any criminal violation in connection with any operation at the Facility. If so, describe the disposition of such accusation and provide details on such accusation.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY has not to the best of its knowledge, been accused of any criminal violation in connection with the operation of the Subject Facility.

34. *Was a Notification of Hazardous Waste Activity ever filed with EPA or New York State for any activity at the Facility during the period that the Company or any affiliate owned or operated at the Facility. If so, provide a copy of such notification and the response given by EPA or New York State including the RCRA identification number assigned.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds No.

35. *Did the Company or any affiliate ever have "interim status" under RCRA at the Facility? If so, and the Facility does not currently have interim status; describe the circumstances under which the Facility lost interim status.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that the Subject Facility did not have “interim status” during WMNY’s ownership.

36. *Identify all state or city offices to which the Company has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague and overbroad in its request for “information,” and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY incorporates by reference documents maintained and made publicly available by the regulatory authorities referenced in this RFI.

37. *Has the Company or the Company's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the New York State Department of Environmental Conservation or New York City Department of Environmental Protection or any other state or city agency concerning an incident, accident, spill, release, or other event involving the Facility or involving Newtown Creek? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between the Company or its agents and NYSDEC, NYCDEP, NYSDOH, NYCDOH or any other state or city agency.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that upon information and belief no spills in quantities requiring reporting occurred during WMNY’s ownership. WMNY also incorporates by reference documents maintained and made publicly available by the applicable governmental agencies.

Section 6.0 Facility Releases, Investigations and Remediation

38. *Identify all leaks, spills, or releases into the environment of any waste, including hazardous substances, pollutants or contaminants, industrial waste or petroleum*

that have occurred at or from the Facility. In addition, identify and provide copies of any documents regarding:

- a. *the date of each releases;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that to the best of its knowledge no leaks, spills, or releases of hazardous or industrial waste or petroleum into the environment have occurred at the Subject Facility during WMNY's ownership that required reporting. To the extent minor spills of petroleum occurred, they would have been cleaned with speedi-dri absorbent, which would have been properly disposed of as solid waste. By way of further answer, WMNY incorporates by reference documents being produced, and reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- b. *how the releases occurred, e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 38(a).

- c. *the identity of the material released and the amount of each released;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 38(a).

- d. *where such releases occurred;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 38(a).

- e. *activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release and the remediation and the regulatory disposition concerning such release; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 38(a).

- f. *identify all fires, explosions or other similar events that have occurred at the Facility during the Company's ownership or operation that required response either by a Facility employee or a New York City responder or that was the subject of a subsequent investigation by a New York City agency. Identify the location on a Facility map where each of the events occurred and identify the items that were combusted in whole or part, including, without limitation, hazardous substances, pollutants or contaminants, industrial waste or petroleum. Provide a copy of all reports of the event, whether such reports are the Company's private reports or are public reports in the Company's possession.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY states that upon information and belief, no fires or explosions have occurred at the Subject Facility during WMNY's ownership. WMNY reserves the right to supplement this Response as its investigation continues and as additional information becomes available.

- 39. *Was there ever a spill, leak, release or discharge of waste, or process residue, including hazardous substances, pollutants, contaminants, industrial waste, or petroleum into any subsurface disposal system or floor drain inside or under a building on the Facility? If the answer to the preceding question is anything but an unqualified "no", provide details of each event and any communication with any federal, state or city regulatory body.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that upon information and belief, there are no drains or subsurface disposal systems within the property boundary of the Subject Facility. By way of further answer, the Subject Facility is the subject of a NYSDEC permit that includes other parcels with drainage systems, which will be addressed in a separate Response.

40. *Has any contaminated soil ever been excavated or removed from the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:*

a. *Reason for soil excavation;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that no contaminated soil has been excavated or removed during WMNY's ownership.

b. *location of excavation presented on a map or aerial photograph;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 40(a).

c. *manner and place of disposal and/or storage of excavated soil;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 40(a).

- d. dates of soil excavation and amount of soil excavated;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 40(a).

- e. all analyses or tests and results of analyses of the soil that was removed from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 40(a).

- f. all confirmatory analyses or tests and results of analyses of the excavated area after the soil was excavated and removed from the area; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 40(a).

- g. all persons, including contractors, with information about (a) through (f) of this question.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 40(a).

- 41. Have you treated, pumped, or taken any kind of response action on groundwater under the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents*

regarding:

a. reason for groundwater action;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that the answer is No.

b. whether the groundwater contains or contained hazardous substances, pollutants, contaminants, industrial waste, or petroleum, what the constituents are or were which the groundwater contained, and why the groundwater contained such constituents;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 41(a).

c. all analyses or tests and results of analyses of the groundwater;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 41(a).

d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 41(a).

- e. all persons, including contractors, with information about (a) through (d) of this question.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 41(a).

- 42. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into Newtown Creek from any equipment, structure, or activity occurring on, over, or adjacent to the Creek? If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:*

- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that no spill, leak, release, or discharge of a hazardous substance into Newtown Creek has occurred at the Subject Facility during WMNY's ownership. Upon information and belief there was a spill of bottled wine brought onto the Subject Facility sometime after WMNY's acquisition of the Subject Facility, which may have reached Newtown Creek. WMNY also incorporates by reference any information that may exist in public records. WMNY reserves the right to amend this Response as its investigation continues and additional information becomes available.

- b. the dates of each such occurrence;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 42(a).

- c. the amount and location of such release;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 42(a).

d. whether sheens were created on the Creek by the release; and

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being vague, overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY incorporates by reference its Response to RFI 42(a). By way of further answer, no sheens were created on the Creek by WMNY.

e. whether there ever was a need to remove or dredge any solid waste, bulk product, or other material from the Creek as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds No.

43. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality on or about the Facility. Provide copies of all data, reports, and other documents that were generated by the Company or any contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “investigation,” and as seeking information that is confidential business information and is information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

44. *Describe any remediation or response actions that you or your agents or consultants have ever taken or are currently taking at the Facility, either voluntarily or as required by any state, local or federal entity. If not otherwise already provided under this Information Request, provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “investigation,” and as being overbroad in seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY responds that no remediation or response actions have been taken at the Subject Facility by WMNY during WMNY’s ownership.

45. *State whether you are planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Facility? If so, identify: the purpose, nature, and scope of such investigations and the dates when you plan to undertake such investigations.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as being unduly vague in failing to define “investigation.” Subject to and without waiving its Objections, WMNY responds that no such plans by WMNY are underway at the Subject Facility.

46. *Provide a copy of all environmental investigation reports of the Facility including investigations undertaken at the times of acquisition and transfers of the Facility by the Company.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as being unduly vague in failing to define “investigation” and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY will produce documents in its possession to the extent responsive and properly within the scope of this RFI. By way of further answer, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

Section 7.0 Compliance with this Request and Financial Information

47. *Persons and Sources Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all sources that the Company reviewed in responding to this request, including, but not limited to:*
- a. *the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad. Subject to and without waiving its Objections, WMNY states that the persons listed below were consulted in responding to the RFI:

Jay A. Kaplan
Environmental Protection Manager
Waste Management
123 Varick Avenue
Brooklyn, NY 11237

Debra Kopsky
Paralegal – Health, Safety & Environment
Waste Management
720 E. Butterfield Road
Lombard, IL 60148

Deborah Nendick
Senior Manager – Real Estate
Waste Management
720 E. Butterfield Road
Lombard, IL 60148

Molly Escalante, Paralegal
Waste Management
1001 Fannin Street
Houston, TX 77002

Karen L. Osilka, Senior Paralegal
Waste Management – Eastern Group Law Department
100 Brandywine Blvd., 3rd Floor
Newtown, PA 18940

Brendan Sheehan
Waste Management
720 E. Butterfield Road
Lombard, IL 60148

- b. a description and the location of where all sources reviewed are currently located, and the questions to which such sources relate.*

RESPONSE:

WMNY incorporates by reference its General Objections. Subject to and without waiving its Objections, WMNY states that the locations of sources reviewed in preparation of this Response included but are not limited to: 123 Varick Avenue, Brooklyn, NY; 1001 Fannin Street, Houston, TX; 100 Brandywine Blvd, 3rd Floor, Newtown, PA; and 720 E. Butterfield Road, Lombard, IL. WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

48. *Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

49. Financial Information: *Provide a copy of the Company's certified annual financial statements for each of the most recent three years.*

RESPONSE:

WMNY incorporates by reference its General Objections. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

50. Insurance and Indemnification:

- a. *Provide a schedule of liability insurance policies that provided coverage for the Company with respect to the Facility. Please list all policies from the Company's initial ownership or initial operation of the Facility to the current date, showing the insured, insurer, broker or agent from whom you procured such insurance (if any), policy number, effective dates of the policy, and liability limits. Provide a copy of the Declaration Page for each such insurance policy. For any insurance policy that the Company no longer has in its possession, provide a copy of relevant records tending to show the existence of such policy;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control.

- b. *Provide a schedule of casualty insurance policies since the time of initial ownership or operation of the Facility, with the same information called for in the previous subparagraph that may provide coverage for cleanup of the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control.

- c. *Has the Company made claims under any policy in connection with environmental liability or environmental casualty in connection with the Facility? If the Company has ever made such a claim, provide a copy of all notices and correspondence in connection with such claim, and state the disposition of such claim;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- d. Identify each entity that may have a duty to indemnify the Company for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and*

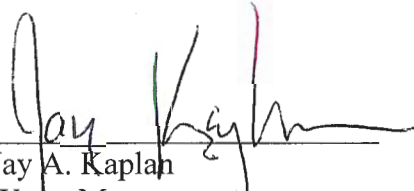
RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.

- e. Identify each entity that the Company has agreed to indemnify for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity and provide a copy of any document that reflects a requirement to indemnify by the Company.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this Response as its investigation continues and as additional information becomes available.



Jay A. Kaplan
Waste Management
Manager
Environmental Protection

SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PLAN



BQE Transfer Station
485 Scott Avenue
Brooklyn, New York 11222



June 2010

Prepared By:

GREAT LAKES ENVIRONMENTAL
& SAFETY CONSULTANTS, INC.



50 Ridge Road
Buffalo, New York 14218
(716) 827-0700

**Spill Prevention Control and Countermeasure Plan
for
Waste Management of New York, L.L.C.**

**BQE Transfer Station
485 Scott Avenue
Brooklyn, New York, 11222**

Designated person(s) accountable for spill prevention:

Daniel Teubert - Facility Manager
Byron Lopez – Forman
Jay Kaplan – Environmental Compliance Manager

Certification

I hereby certify that that I am familiar with the requirements of 40 CFR Part 112; I or my agent has visited and examined the facility; the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR Part 112; procedures for required inspections and testing have been established; and this Plan is adequate for the facility.

Engineer: _____

Signature: _____

Registration Number: _____

Date: _____

**SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN
REVIEW PAGE**

In accordance with 40 CFR 112.5(b), a review and evaluation of this SPCC Plan is conducted at least once every five years. As a result of this review and evaluation, the plan will be amended within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a spill event from the facility, and (2) if such technology has been field-proven at the time of review. Any amendment to the SPCC Plan shall be certified by a Professional Engineer within six months after a change in the facility design, construction, operation, or maintenance occurs which materially affects the facilities potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines. Non-technical amendments (i.e., phone number changes, name changes, etc.) do not have to be certified by a Professional Engineer.

Review Date

Signature

Statement of Management Approval

Waste Management is committed to the prevention of discharges of oil to navigable waters and the environment, and maintains the highest standards for spill prevention control and countermeasures through regular review, updating, and implementation of this Spill Prevention Control and Countermeasure.

**Authorized Facility
Representative:**

Signature:

Title: _____

Table of Contents

Page

1.	FACILITY OWNER and OPERATOR	1
A.	Facility Owner, Address, and Telephone	
B.	Facility Operator, Address, and Telephone	1
2.	FACILITY CONTACT(s)	2
3.	FACILITY DESCRIPTION	3
A.	Facility Operations	3
B.	Facility Storage	3
C.	Drainage Pathway and Distance to Navigable Waters	4
4.	SPILL HISTORY	5
5.	POTENTIAL SPILL PREDICTIONS, VOLUMES, RATES AND CONTROL	6
6.	PREVENTION MEASURES PROVIDED	7
A.	Drainage Control Diversionary Structures and Containment	7
B.	B. Impracticability of Drainage Control and Containment	7
C.	Drainage Control	8
D.	Bulk Storage Tanks/Secondary Containment	9
E.	Facility Transfer Options	14
F.	Facility Tank Car and Truck Loading/Unloading Operations	15
G.	Inspections/Record Keeping	16
H.	Site Security	16
I.	Personnel Training and Spill Prevention Procedures	18
J.	Spill Response Procedures and Emergency Contacts	19

Appendices

APPENDIX A	Site Plan
APPENDIX B	Monthly Inspection Form (Sample)
APPENDIX C	Inspection Records
APPENDIX D	Spill Report Form
APPENDIX E	Certification of Substantial Harm Criteria Checklist
APPENDIX F	Emergency Contacts
APPENDIX G	Regulatory Cross-reference

1. FACILITY OWNER & OPERATOR

A. Facility Owner, Address, and Telephone:

Waste Management of New York, L.L.C.
BQE Transfer Station
485 Scott Avenue
Brooklyn, New York 11222
Phone Number: (718) 533-5300

B. Facility Operator, Address and Telephone:

Waste Management of New York, L.L.C.
BQE Transfer Station
485 Scott Avenue
Brooklyn, New York 11222
Phone Number: (718) 533-5300

2. FACILITY CONTACT(S)

Name	Title	Telephone
Daniel Teubert	Facility Manager (SPCC Coordinator)	718-533-5300
Byron Lopez	Foreman (Alternate SPCC Coordinator)	718-533-5300
Deshawn King	Foreman	718-533-5300
Jay Kaplan	Environmental Compliance Manager	718-533-5310
Jose Rodriguez	Health and Safety Manager	718-533-5377

3. FACILITY DESCRIPTION

A. Facility Operations

The BQE facility is located on an approximately 8-acre site at 485 Scott Avenue in Brooklyn, New York. The facility is bordered by Gardner Avenue to the east, the New Town Creek to the west, Cherry Street to the south and Townsend Street to the north. The facility maintains numerous building which house the company's maintenance facilities, administrative offices and solid waste processing area.

Facility operations at the BQE facility include solid waste processing and vehicle maintenance/repair. The solid waste processing operation is located in the center and western portion of the site within the main building. Asphalt covers the open of area of the facility and the balance of the property includes a tipping/processing building, a scale house trailer, and a two-story office structure and maintenance shop.

B. Facility Storage

The following table presents a description of the oil storage containers utilized at the BQE facility. The location of the oil storage areas is depicted on the site plan included in Appendix A.

Container ID	Location	Capacity (gal.)	Secondary Containment	Contents
Tanks				
275 Gallon Motor Oil	ID/AG	275	Steel Dike	Motor Oil
275 Gallon Used Oil	ID/AG	275	Steel Dike	Used Oil
275 Gallon Hydraulic Oil	ID/AG	275	Steel Dike	Hydraulic Oil
Miscellaneous Storage Containers				
Drums	ID/AG	55	Within Building Containment Pallets	Various Oils
Miscellaneous Equipment				
Heavy Equipment	ID/AG	>55	Within Building	Diesel Fuel/Hydraulic Oil
Bailers	ID/AG	1,600	Within Building	Hydraulic Oil

Notes: ID – Indoors AG – Aboveground

C. Drainage Pathway and Distance to Navigable Waters

Site storm water drainage is controlled by use of an on-site storm water collection system that consists of catch basins, conveyance piping and associated equipment. Asphalt covers the open areas of the facility and the balance of the property includes a tipping/processing building, a scale house trailer, and a two-story office structure and maintenance shop. Property contours direct site run-off to catch basins and trench drains. Drainage from the catch basins in the open parking areas is directed to New Town Creek. Liquids collected from interior trench drains and floor drains and the sanitary sewer are conveyed to two belowground holding tanks for off-site disposal as appropriate.

4. SPILL HISTORY

A facility which has experienced one or more spill events within twelve months prior to the effective date should include a written description of each such spill, corrective action taken and plans for preventing recurrence.

According to facility personnel, the facility has not experienced a discharge of more than 1,000 U.S. gallons of oil in a single discharge or more than 42 U.S. gallons of oil in each of two discharges within the last twelve months.

5. POTENTIAL SPILL PREDICTIONS, VOLUMES, RATES, AND CONTROL

Where experience indicates a reasonable potential for equipment failure (such as tank overflow, rupture, or leakage), the plan should include a prediction of the direction, rate of flow, and total quantity of oil which could be discharge from the facility as a result of each major type of failure.

Source	Type of Failure	Volume (gal.)	Rate of Flow (gal./hour)	Direction of Flow	Containment (volume of tank)
Tanks					
275 Gallon Motor Oil	Leakage	0.5	0-1	Steel Dike	>100%
	Rupture	275	0-275		
	Overflow	10	Varies		
275 Gallon Used Oil	Leakage	0.5	0-1	Steel Dike	>100%
	Rupture	275	0-275		
	Overflow	10	Varies		
275 Gallon Hydraulic Oil	Leakage	0.5	0-1	Steel Dike	>100%
	Rupture	275	0-550		
	Overflow	10	Varies		
Miscellaneous Containers					
Drums	Leakage/Rupture	0-55	0-55	Within Building	> 100%
Miscellaneous Equipment					
Baler	Leakage/Rupture	0-1,600	0-1,600	Within Building	>100%
Heavy Equipment	Leakage/Rupture	>55	>55	Within Building	>100%
Loading/Unloading					
Misc. Oil	Leakage/Rupture	0-2,350 ⁽¹⁾	0-2,350	Asphalt	>100%

Notes:

- (1) Miscellaneous oils (i.e., motor, hydraulic, etc.) are delivered in a maximum tanker size of 4,700 gallons that has a minimum of two 2,350-gallon capacity compartments. In the event of a release during transfer, oil will be contained on the asphalt parking area using spill kits (i.e., absorbent material, containment booms, storm drain covers, etc.) until appropriately managed (cleaned up and disposed).

6. PREVENTION MEASURES PROVIDED

A. Drainage Control Diversionary Structures and Containment

Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching navigable watercourse should be provided. One of the following preventive systems or its equivalent should be used as a minimum:

- (i) Dikes, berms or retaining walls sufficiently impervious to contain spilled oil;*
- (ii) Curbing;*
- (iii) Culverting, gutters or other drainage systems;*
- (iv) Weirs, booms or other barriers*
- (v) Spill diversion ponds;*
- (vi) Retention ponds;*
- (vii) Sorbent materials.*

As presented in Section 3 and 5 above, the site utilizes a combination of steel dike containment systems to provide adequate secondary containment for oil filled tanks, containers or equipment located at the site. In addition, the facility utilizes an existing liquid collection system (i.e., belowground holding tanks) to provide additional containment at the site. However, this system is not used for primary secondary at the facility. Therefore, it is not regulated under 40 CFR Part 112.

B. Impracticability of Drainage Control and Containment

When it is determined that the installation of structures or equipment listed in 112.7(c) to prevent discharged oil from reaching navigable waters is not practicable from any onshore or offshore facility, the owner or operator should clearly demonstrate such impracticability and provide the following:

- (1) A strong oil spill contingency plan following the provision of 40 CFR Part 109.*
- (2) A written commitment of manpower, equipment and materials required to expeditiously control and remove any harmful quantity of oil discharged.*

As presented in Section 6(A) above, the facility has adequate secondary containment systems to prevent discharged oil from reaching navigable waters. As such, the facility is not required to provide a spill contingency plan in accordance with 40 CFR Part 109 or provide written commitment of manpower, equipment and materials to expeditiously control and remove any harmful quantity of oil discharged.

C. Drainage Control

(i) Drainage from diked storage areas:

Drainage from diked storage areas should be restrained by valves or other positive means to prevent a spill or other excessive leakage of oil into the drainage system or in-plant effluent treatment system, except where plan systems are designed to handle such leakage. Diked areas may be emptied by pumps or ejectors; however, these should be manually activated and the condition of the accumulation should be examined before starting to be sure no oil will be discharged into the water.

All diked storage areas at the facility are located within the maintenance building. Any release from the secondary containment systems would be retained on the concrete floor of the building using spill kits until appropriately managed. The diked systems are not equipped with drainage valves. The systems are manually pumped if accumulation of liquids is present.

(ii) Valves used on diked area storage:

Flapper-type drain valves should not be used to drain diked areas. Valves used for the drainage of diked areas should, as far as practical, be of manual, open-and-closed design. When plant drainage drains directly into watercourses and not into wastewater treatment plants, retained storm water should be inspected as provided in paragraphs (e)(2)(iii)(B), (C) and (D) of this section before drainage.

As presented in Section 6 (c)(i) above, the diked storage systems do not have drain valves. The systems are manually pumped if accumulation of liquids is present.

(iii) Plant drainage systems from undiked areas:

Plant drainage systems from undiked areas should, if possible, flow into ponds, lagoons, or catchment basins, designed to retain oil or return it to the facility. Catchment basins should not be located in areas subject to periodic flooding.

As presented in Section 3(c), site storm water drainage is controlled by use of an on-site storm water collection system that consists of catch basins, conveyance piping and associated equipment. Asphalt covers the open of area of the facility and the balance of the property includes a tipping/processing building, a scale house trailer, and a two-story office structure and maintenance shop. Property contours direct site run-off to catch basins and trench drains. Drainage from the catch basins in the open parking areas is directed to New Town Creek. Liquids collected from interior trench drains and floor drains and the sanitary sewer are conveyed to two belowground holding tanks for off-site disposal as appropriate.

(iv) Final discharge of drainage:

If plant drainage is not engineered as in (iii) above, the final discharge of all plant ditches should be equipped with a diversion system in the event of an uncontrolled spill to return the oil to the plant.

As previously presented, there is no outdoor storage of oil at the facility. Therefore, drainage in the areas of the systems is not a concern.

(v) Facility Drainage Systems and Equipment:

Where drainage waters are treated in more than one treatment unit, natural hydraulic flow should be used. If pump transfer is needed, two "lift" pumps should be provided, and at least one of the pumps should be permanently installed when such treatment is continuous. In any event, whatever techniques are used facility drainage systems should be adequately engineered to prevent oil from reaching navigable waters in the event of equipment failure or human error at the facility.

As previously presented, there is no outdoor storage of oil at the facility. Therefore, drainage in the areas of the systems is not a concern.

D. Bulk Storage Tanks/Secondary Containment

(i) Tank compatibility with its contents:

No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

Aboveground Storage Tanks – The tanks are constructed of carbon steel for storing miscellaneous oil (i.e., motor oil, used oil, hydraulic oil, etc.). The material of construction is compatible with the substances being stored. All tanks are operated under ambient pressure and are painted (aboveground) to provide corrosion protection.

Drum Storage Areas – The drums are all of single-walled carbon steel construction and are compatible with the materials being stored. All drums are open to the atmosphere and thus operate at ambient pressure.

Heavy Equipment – The facility operates several pieces of heavy equipment (i.e. loaders, excavators, compactors, bailers, etc.) that utilize storage tanks to contain miscellaneous oils (i.e., diesel fuel, hydraulic oil). The storage tanks are integral to each piece of equipment and are constructed of materials compatible with the substances being stored. Pressure systems on the equipment are designed and engineered by the vendors to be appropriate for the level of service.

(ii) Diked area construction and containment volume for storage tanks:

All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Dikes, containment curbs, and pits are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in plant catchment basin or holding pond.

Aboveground/Underground Storage Tanks – Secondary containment for the aboveground oil storage tanks is provided by a steel dike containment system. The volume of the secondary containment is approximately 425-gallons which is sufficient to provide a secondary containment for the largest tank system (275 gallons). Due to the location of the tanks (indoors), the accumulation of precipitation is not a concern. There is no leak detection or overfill alarms on any of these tank systems. All tanks are filled manually are equipped with level gauges to provide overfill protection.

Drum/Container Storage Areas – Secondary containment for drum storage areas is providing by either the concrete building foundation or portable spill containment pallets.

(iii) Diked area, inspection and drainage of rainwater:

Drainage of rainwater from the diked area into a storm drain or an effluent discharge that empties into an open water course, lake, or pond, and bypassing the in-plant treatment system may be acceptable if:

- (A) The bypass valve is normally sealed closed.*
- (B) Inspection of the run-off rainwater ensures compliance with applicable water quality standards and will not cause a harmful discharge as defined in 40 CFR Part 110.*
- (C) The bypass valve is opened, and resealed following drainage under responsible supervision.*
- (D) Adequate records are kept of such events.*

As previously stated, all diked storage areas are located within the building. Therefore, the accumulation of precipitation is not of a concern. Facility personnel inspect all tank systems on a monthly basis to insure equipment is operating as intended. These inspections are documented on the monthly inspection form presented in Appendix B. Any discrepancies with the tank systems or concerns are immediately brought to the attention of the SPCC Coordinator and addressed as appropriate.

(iv) Corrosion protection of buried metallic storage tanks:

Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be protected from corrosion by coatings, cathodic protection or other effective methods compatible with local soil conditions. Such buried tanks should at least be subjected to regular pressure testing.

The facility does not currently use buried metallic oil storage tanks.

(v) Corrosion protection of partially buried metallic tanks:

Partially buried metallic tanks for the storage of oil should be avoided, unless the buried section of the shell is adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface. Describe the corrosion protection provided for any partially buried metallic storage tanks.

The site currently does not have any partially buried metallic storage tanks.

(vi) Aboveground tank periodic integrity testing:

Aboveground tanks should be subject to periodic integrity testing, taking into account tank design (floating roof, etc.) and using such techniques as hydrostatic testing, visual inspection or a system of nondestructive shell thickness testing. Comparison records should be kept where appropriate, and tank supports and foundations should be included in these inspections. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas.

Monthly inspections of the condition of the tanks/oil storage areas and their secondary containment are performed by appropriate site personnel and recorded on the monthly inspection form presented in Appendix B. Corrective actions are immediately initiated and an inspection form filled out with corrective action.

In addition, Waste Management conducts integrity inspections of the aboveground storage tanks/containers in accordance with the recommended procedures presented in the following table. Records of these inspections will be maintained with this SPCC Plan for a period of ten years.

Tank/Container ID	Inspection Method	Frequency
275 Gallon Motor Oil	Visual*	Monthly
275 Gallon Used Oil	Visual*	Monthly
275 Gallon Hydraulic Oil	Visual*	Monthly
Drums	Visual*	Monthly

* - Due to the type of tank/container (small, shop fabricated, aboveground), they will be visually inspected on a monthly basis in accordance with Section 6 of the Steel Tank Institute Standard for Inspection of Aboveground Storage Tanks (4th Edition, July 2006). Because these tanks are located totally aboveground and within appropriate containment, visual inspection alone is determined to be an environmentally equivalent method of integrity inspection based on the type, location, and use of these tank systems.

(vii) Control of leakage through internal heating coils:

To control leakage through defective internal heating coils, the following factors should be considered and applied, as appropriate.

- (A) The steam return or exhaust lines from internal heating coils which discharge into an open water course should be monitored for contamination, or passed through a settling tank, skimmer, or other separation or retention system.*
- (B) The feasibility of installing an external heating system should also be considered. Describe any heating system used on any oil tanks at your facility.*

The facility does not have any oil storage systems that utilize heating coils.

(viii) Overfill Protection:

New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing one or more of the following devices:

- (A) High liquid level alarms with an audible or visual signal at a constantly manned operation or surveillance station; in smaller plants an audible air vent may suffice.*
- (B) Considering size and complexity of the facility, high liquid level pump cutoff devices set to stop flow at predetermined tank content level*
- (C) Direct audible or code signal communication between the tank gauger and the pumping station.*
- (D) A fast response system for determining the liquid level of each bulk storage tank such as digital computers, telepulse, or direct vision gauges or their equivalent.*
- (E) Liquid level sensing devices should be regularly tested to insure proper operation.*

All stationary oil storage tanks are equipped with product level gauges to provide overfill protection. Due to the location of the tank systems (i.e., indoors and within appropriate secondary containment) these systems do not pose a risk to the environment based on the methods being used to operate them.

(ix) Observation of disposal facilities for effluent discharge:

Plant effluents which are discharged into navigable waters should have disposal facilities observed frequently enough to detect possible system upsets that could cause an oil spill event.

As previously presented, the facility currently operates an indoor drainage collection system (i.e., indoor trench drains, piping, etc.) that prevents the discharge of oil to navigable waters. To insure the correct operation of these systems, appropriate personnel inspect the systems on a periodic basis. No plant effluent in the area of the aboveground oil storage tank systems discharge to navigable waters.

(x) Visible oil leak corrections from tank seams and gaskets:

Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts sufficiently large to cause the accumulation of oil in diked areas should be promptly corrected.

As previously stated, the tank systems are inspected by appropriate site personnel for proper operation. Any discrepancies with the tank systems or concerns are immediately brought to the attention of the SPCC Coordinator and addressed as appropriate.

(xi) Appropriate position of mobile or portable oil storage tanks:

Mobile or portable oil storage tanks (onshore) should be positioned or located so as to prevent spilled oil from reaching navigable waters. A secondary means of containment, such as dikes or catchment basins, should be furnished for the largest single compartment or tank. These facilities should be located where they will not be subject to periodic flooding or washout.

Site storm water drainage is controlled by use of an on-site storm water collection system that consists of catch basins, conveyance piping and associated equipment. Asphalt covers the open of area of the facility and the balance of the property includes a tipping/processing building, a scale house trailer, and a two-story office structure and maintenance shop. Property contours direct site run-off to catch basins and trench drains. Drainage from the catch basins in the open parking areas is directed to the New Town Creek. Liquids collected from interior trench drains and floor drains and the sanitary sewer are conveyed to two belowground holding tanks for off-site disposal as appropriate.

E. Facility Transfer Operations

(i) Buried piping installation protection and examination:

Buried piping installations should have a protective wrapping and coating and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration. If corrosion damage is found, additional examination and corrective action should be taken as indicated by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridors or galleries.

The facility currently does not use buried piping for the conveyance of oil.

(ii) Not-in-service and standby service terminal connections:

When a pipeline is not in service, or in standby service for an extended time the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.

There are currently no out-of-service tanks on-site. Any tanks that are taken out-of-service will be capped or blank-flanged and marked as to the origin of the transfer point.

(ii) Pipe supports design:

Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

All pipe supports are properly designed and installed to minimize abrasion and corrosion and to allow for expansion and contraction.

(iii) Aboveground valve and pipeline examination:

All aboveground valves and pipelines should be subjected to regular examinations by operating personnel at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed. In addition, periodic pressure testing may be warranted for piping in areas where facility drainage is such that a failure might lead to a spill event.

Monthly inspections of the condition of the tank systems (i.e., tanks, piping, valves, etc.) are performed by appropriate site personnel and recorded on the monthly inspection form presented in Appendix B. Corrective actions are immediately initiated and an inspection form filled out with corrective action. Due to the current system configurations (i.e., lack of significant piping) periodic pressure testing is not warranted.

- (iv) Aboveground piping protection from vehicular traffic:

Vehicular traffic granted entry into the facility should be warned verbally or by appropriate signs to be sure that the vehicle, because of its size, will not endanger aboveground piping.

Due to the current system configurations (i.e., lack of and location of piping), piping is adequately protected from vehicular traffic.

F. Facility Tank Car and Truck Loading/Unloading Operations

- (i) Loading/unloading procedures meet DOT regulations:

Tank car and tank truck loading/unloading procedures should meet the minimum requirements and regulations established by the Department of Transportation.

The facility has capabilities for the loading and unloading of petroleum products and fuels. The loading and unloading procedures meet the requirements and regulations of New York State Department of Transportation.

All product loading is performed under the observation of an appropriate person trained in emergency spill response. Loading is performed manually via a tanker truck for storage tanks and where drums/containers are present, empty drums are switched out with full drums/containers via a box truck. The loading operation is not complete until the delivery driver has completed all paper work, inspected each tank or drum/container for leakage, and ensured no product was released as an action of the loading event. The tank/container or drum, and transport vehicle will be inspected for release and made secure to prevent release.

- (ii) Secondary containment for vehicles adequate:

Where rack area drainage does not flow into a catchment basin or treatment facility designed to handle spills, a quick drainage system should be used for tank truck loading and unloading areas. The containment system should be designed to hold at least maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded in the plant.

The facility currently does not have dedicated transfer stations constructed for loading/unloading of oil. In addition, the facility does not have a rack system. However, oil transfers will be conducted on the asphalt area of the facility and any release will be contained using spill kits (i.e., absorbent material, storm drain covers, spill containment booms, etc.) until appropriately managed (i.e., clean-up, disposed).

(iii) Warning or barrier system for vehicles:

An interlocked warning light or physical barrier system, or warning signs, should be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.

All loading and unloading operations are conducted under the supervision of an appropriate person to insure vehicular departure does not occur prior to disconnect of flexible or fixed transfer lines. However, if such a situation were to occur, as previously stated, the facility interior liquid storage areas have a containment system (two belowground holding tanks) to prevent off-site consequences.

(iv) Vehicles examined for lowermost drainage outlets before leaving:

Prior to filling and departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles should be closely examined for leakage, and, if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit.

The loading operation is not complete until the delivery driver has completed all paper work, inspected each tank or drum/container for leakage, and ensured no product was released as an action of the loading event.

G. Inspections/Record Keeping

Inspections required by this part should be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, should be made part of the SPCC Plan and maintained for a period of three years.

As previously stated, all tank systems are inspected periodically (i.e., monthly) and documentation of the inspection retained for a period of ten years with this SPCC Plan in Appendix C. Integrity inspections will be conducted as part of the monthly inspections in accordance with the table presented in Section 6 (D)(vi) of this SPCC plan and retained as previously stated.

H. Site Security

(i) Fencing:

All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

The facility operates continuously from Monday through Friday, 24 hours per day and 12 a.m. through 11 p.m. Saturday. During these hours, access to the site, loading and unloading areas, repair facilities and storage areas is limited by means of a perimeter fencing and boundary controls in which all entry points are secured by means of a locking device. The fencing and locking devices also provide site security during non-operational hours. A closed caption television system monitors select areas of the property during the operational and non-operational hours including the delivery areas, scale house, tipping floor and facility access points. Waste Management site employees

and site security officers provide additional site security during operational periods. Security personnel are on-site 24-hours per day, 7-days per week with personnel stationed at facility access points. In addition, all oil storage tanks are located within the building.

(ii) Flow valves locked:

The master flow and drain valves and any other valves that will permit direct outward flow of the tank's content to the surface should be securely locked in the closed position when in non-operating or non-standby status.

The site currently does not have any master flow or drain valves or any other valves that will permit the direct outward flow of the tank's content to the surface.

(iii) Starter controls locked:

The starter control on all oil pumps should be locked in the 'off' position or located at a site accessible only to authorized personnel when the pumps are in a non-operating or non-standby status.

The starter control on all oil pumps is located in an area only accessible to authorized site personnel.

(iv) Pipeline loading/unloading connections securely capped:

The loading/unloading connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an extended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.

Loading/unloading connections are securely capped or blank-flanged when not in service or in standby service for an extended period of time.

(iv) Lighting adequate to detect spills:

Facility lighting should be commensurate with the type and location of the facility. Consideration should be given to:

- (A) Discovery of spills occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.) and;*
- (B) Prevention of spills occurring through acts of vandalism.*

Facility lighting is adequate for the type and location of the facility.

I. Personnel Training and Spill Prevention Procedures

(i) Personnel instructions:

Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.

All employees are trained in the areas of operation and maintenance of equipment, loading and unloading procedures, inspection procedures and emergency spill response procedures. This training is update at least annually, or as appropriate.

Operations and Management – Facility personnel are trained as to the proper operation and maintenance practices of all applicable on-site equipment. Maintenance personnel have specialized training in regard to the maintenance of mechanical equipment.

Loading/Unloading Procedures – Facility personnel involved in the loading and unloading of petroleum products have training that addresses the safe and proper procedures for loading/unloading.

Inspection Procedures – Facility personnel are trained as to the proper inspection practices required to perform the activities outlined in Section 6 G of this SPCC Plan. All personnel are trained to identify a spill potential or spill event.

Spill Response Procedures – Facility personnel are trained as to the proper approach and procedures that this facility will undertake when responding to a spill of a petroleum product. Section J, outlines the specific procedures that are included in the training.

(ii) Designated person accountable for spill prevention:

Each applicable facility should have a designated person who is accountable for oil spill prevention and who reports to line management.

The Facilities Maintenance Manager and Environmental Compliance Manager are accountable for oil spill prevention and report to line management.

(iii) Spill prevention briefings:

Owners or operators should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

The SPCC Coordinator conducts spill prevention briefings for operating personnel to assure adequate understanding of this SPCC Plan.

J. Spill Response Procedures and Emergency Contacts:

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of §110.6, immediately notify the National Response Center (NRC) (800-424-8802). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA pre-designated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC.

Prompt response to a spill is the best means of minimizing any impact to the environment and in particular, preventing a discharge from reaching waters of the United States. In the event of a spill of a petroleum product, the employee first becoming aware of the spill will assume the role of temporary SPCC Coordinator until he/she can notify the primary SPCC Coordinator. If the temporary SPCC coordinator is unable to notify either the primary SPCC Coordinator or any of the SPCC Coordinator backups, as identified in Section 2 of this report, then he/she will assume the responsibility of implementing the emergency SPCC procedures that follow, provided that he/she has been trained in the appropriate health and safety procedures and in the implementation of this SPCC Plan. If the temporary SPCC Coordinator has not been properly trained in the appropriate health and safety procedures and in the implementation of this SPCC Plan, and cannot notify the primary spill coordinator or one of the spill coordinator backups, he/she shall immediately contact a spill response contractor.

(i) Assessment of Hazard

1. Upon notification of a petroleum-related spill, the SPCC Coordinator will determine the hazard potential of a spill response by determining at least the following factors:
 - A. The substance spilled and its hazard potential;
 - B. The amount of the spill and the extent of spreading;
 - C. The source of the leakage/spill.
2. Where appropriate, the SPCC Coordinator shall consult with the facility Safety Manager to determine the potential hazard to employees and to the surrounding public from the substance spilled.
3. If a spill is determined to be of such a magnitude that it cannot be safely and effectively controlled by facility personnel, then the coordinator shall promptly notify outside emergency response agencies to implement control and clean-up.

(ii) Secure Spill Response and Personal Protective Equipment

1. Upon determining the hazard potential for the planned response action, the SPCC Coordinator shall direct those who will respond to the spill to obtain the appropriate response equipment and personal protective equipment.
2. Employees will not be issued spill response equipment or personal protective equipment (PPE) without having been trained on its proper use and limitations.

(iii) Containment and Eliminating Spill Source

1. Upon obtaining the proper spill response tools and PPE, the spill responder(s) shall first attempt to contain the spill so as to prevent its entry into a storm sewer, a ditch or any conveyance that eventually discharges to the waters of the United States or offsite. Examples of equipment and media that can be used to contain spills include sand, speedy dry, straw bales, and sorbent pillows/booms.
2. At the same time as containment is being performed or as soon as possible after containment, the spill responder(s) shall attempt to seal or otherwise stop the source of the spill. Common methods of eliminating a spill source include closing valves, leak-stopping compound for pinhole leaks, drum overpacks, deactivating pumps, and diverting flow to another pathway. As long as this pathway does not allow the spill to enter navigable waters of the United States or adjoining shorelines.

(iv) Spill Clean-Up and Mitigation of Environmental Impacts

1. Once the spill is contained and the source eliminated, the spill responders shall collect the spilled material by the appropriate manner and place the material into secure containers.
2. The area or surface in contact with the spilled material shall be decontaminated by an appropriate method that is permissible under local, state and federal laws. The specific method used will depend upon the substance, the availability of permitted sewer discharge to a POTW, regulatory standards applicable to hazardous and toxic wastes, and other factors. The SPCC Coordinator will select the appropriate decontamination method after determining the applicable facts and by conferring either with the regulators or an expert in the subject of spill response.
3. All spill material and debris will be managed in a manner that fully complies with applicable local, state and federal laws regarding recycling or disposal of wastes. The preferred method is to recycle or reclaim materials from spills in an effort to minimize waste generation. Where this is not feasible or allowed, then disposal in accordance with applicable local, state, or federal rules will be done.

(v) Spill Documentation

1. Once the SPCC Coordinator has been notified of a spill or release, the individual will begin documenting the incident. Documentation will be maintained along with the routine inspection sheets for the affected area. The spill report form included in Appendix D shall be utilized for documentation of the incident and include at a minimum the names of employees involved with the spill number, date of waste disposal, and waste disposal manifests.

(vi) Notification of Company and Governmental Agents

1. Any spill of oil substance shall be reported immediately to the SPCC Coordinator or the alternate SPCC Coordinator by the employee who first notices the spill.

The primary SPCC Coordinator or in his/her absence, the SPCC Coordinator backup shall notify the appropriate governmental authorities whenever a spill exceeds the reportable quantities (RQ) required under state or federal law/regulations or the spill becomes a discharge. In accordance with the NYSDEC Spill Guidance Manual (SGM), petroleum spills must be reported to the NYSDEC unless they meet all of the following criteria:

- The spill is known to be less than 5 gallons; and
- The spill is contained and under the control of the spiller; and
- The spill has not and will not reach the State's water or any land; and
- The spill is cleaned up within 2 hours of discovery.

All reportable spills at this facility are to be reported to the NYSDEC at 800-457-7362.

Appendix A

Site Plan

Appendix B
Monthly Inspection Form (Sample)

Appendix C

Inspection Records

Appendix D Spill Report Form

Appendix E

Certification of the Applicability of the Substantial Harm Criteria Checklist

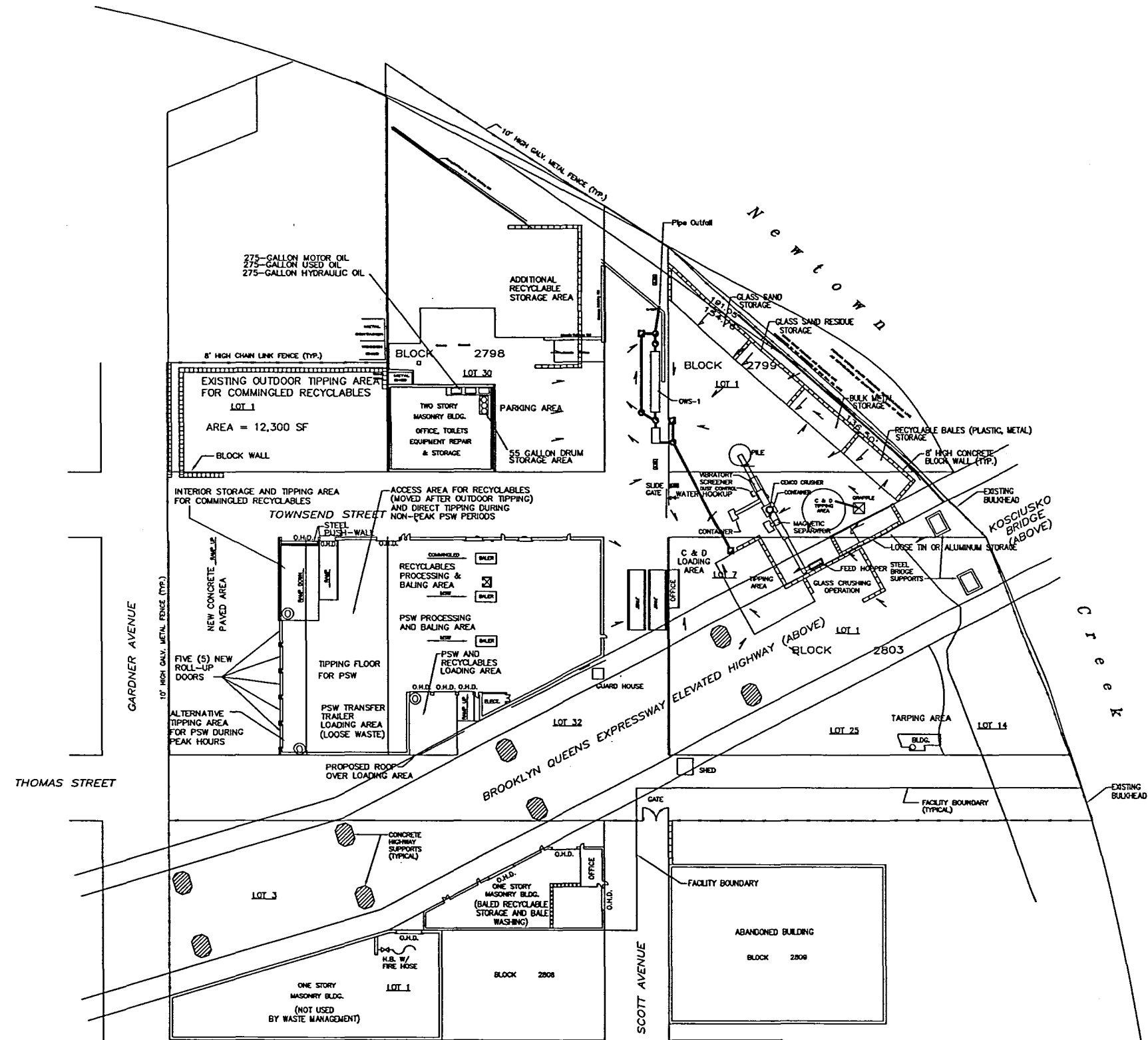
Section 112.20(e) of the facility response plan regulation requires that all facilities regulated by the Oil Pollution Prevention Regulation (40 CFR part 112) conduct an initial screening to determine whether they are required to develop a facility response plan. The criteria in this checklist can be found in 40 CFR 112.20(f)(1). Facilities should include this form with their SPCC Plan.

Appendix F

Emergency Contacts

Appendix G

Regulatory Cross-reference



NC04662

Monthly Storage Tank, Container and Storage Area Inspection Form

Inspector Name: _____

Inspection Date: _____

Complete the following table for each tank system. For each tank system, indicate if an inspection was completed (Y or N). Indicate any comments or deficiencies in the space provided below the table. This inspection form must be maintained at the facility for a minimum of 10 years.

Inspection Item	275 Gallon Motor Oil	275 Gallon Hydraulic Oil	275 Gallon Used Oil	Drums
Tank/Container Condition				
Leaks				
Corrosion/Discoloration				
Cracks/Bulges/Pitting				
Paint (Condition)				
Labels/Warning Signs				
Level Gauge Functioning				
Foundation/Structural				
Settlement/Cracks				
Secondary Containment System				
Cracks, gaps, punctures, separations, corrosion				
Paint/Sealant (Condition)				
Liquid in containment				
Pipes/Valves/Pumps/Emergency Response Equipment				
Leakage/Stained Soil				
Fill Ports Color Coded				
Paint (Condition)				
Fire Extinguishers Working				
Spill Kits in Place				

Comments/Deficiencies (Inspector must inform SPCC coordinator of any deficiencies): _____

[illegible]

THE SIGNATURES BELOW CERTIFY THAT THE INSPECTION WAS PERFORMED IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF 40 CFR Part 112.

Signature of Inspector: _____ Date: _____

Waste Management
Spill Report Form
(Page 1 of 2)

Report By: _____ Date & Time: _____
Title: _____ Company: _____
Address: _____ Telephone #: _____
Nextel ID#: _____ Reported To: _____

PART A: GENERAL INFORMATION

1. Material Spilled: _____
2. Quantity Spilled: _____
3. Location of Spill: _____
Containment (completely contained): _____
4. Time Spill Discovered: _____ Date: _____
Discovered By: _____
5. Time Spill Contained: _____ Date: _____
Contained By: (Waste Management or Outside Contractor?): _____
6. Time Cleanup Completed: _____ Date: _____
7. Clean-up By: (Waste Management or Outside Contractor?): _____
8. Cause of Spill: _____
9. Extent of Injury or Property Damage: _____

PART B - NOTIFICATION(S)

1. Who was notified: _____
2. Agency notified (verbal): _____
3. Date(s) and Time(s): _____
4. Name of Individual Notified: _____
5. Spill Report No: _____

Waste Management
Spill Report Form
(Page 2 of 2)

PART C - CORRECTIVE ACTIONS

1. Initial Response: _____

2. Clean-Up Performed: _____

3. Permanent Corrective Action Taken To Prevent Recurrence: _____

***NOTE IF ANY THE SPILL IS OVER 5 GALLONS TOTAL OR IF ANY AMOUNT REACHED ANY WATERWAY, STORM DRAIN, OR UNPAVED EARTH SURFACE THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MUST BE NOTIFIED.**

FOLLOW THE DIRECTIONS BELOW

Fill out as much information as possible of the above form, and contact the facility's SPCC Coordinator or Manager. If one is not present or the spill happens outside of normal office hours, the NYSDEC must be notified within a maximum of 2 hours of the spill.

- A. Call the NYSDEC at 1-800-457-7362.
- B. Report the spill as equipment failure.
- C. Answer questions using the information from above form.
- D. Before disconnecting ask for the NYSDEC Spill Response Number.
- E. Ask the NYDEC Representative for their ID Number.
- F. Turn this form into the office upon returning to the shop.

Certificate of Substantial Harm Determination Form

Facility Name: BQE Transfer Station

Facility Address: 475 Scott Avenue, Brooklyn, New York 11222

1. Does the facility have a maximum storage capacity greater than or equal to 42,000 gallons and do the operations include over water transfers of oil to or from vessels?

Yes ___ No X

2. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and is the facility without secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within the storage area?

Yes ___ No X

3. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and is the facility located at a distance such that the discharge from the facility could cause injury to an environmentally sensitive area?

Yes ___ No X

4. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?

Yes ___ No X

5. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and within the past five years, has the facility experienced a reportable spill in an amount greater than or equal to 10,000 gallons?

Yes ___ No X

CERTIFICATION:

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this form, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature: _____ **Date:** _____

Emergency Contacts

Contact	Telephone Number
National Response Center	800-424-8802
Regional EPA Office	732-548-8730
Fire Department	911
Police Department	911
WM Environmental Compliance Manager	718-533-5310 (office) 646-773-1814 (cell)
WM Division Safety Coordinator	917-648-8531
NYCDEP Spill Hotline	800-457-7362
Regional NYSDEC Office	718-482-4997

Regulatory Cross-reference

The following presents a cross-reference between the contents of this plan with the recommended sequence presented in 40 CFR Part 112 of the rule.

Regulatory Citation	Citation Description	Location in Plan (section)
112.7	General requirements for SPCC Plans for all facilities and all oil types.	Certification
112.7(a)	General requirements; discussion of facility's conformance with rule requirements; deviations from Plan requirements; facility characteristics that must be described in the Plan; spill reporting information in the Plan; emergency procedures	2 - 6
112.7(b)	Fault analysis	5
112.7(c)	Secondary containment	3
112.7(d)	Contingency planning	6J
112.7(e)	Inspections, tests, and records	6G
112.7(f)	Employee training and discharge prevention procedures	6I
112.7(g)	Security (excluding oil production facilities)	6H
112.7(h)	Loading/unloading (excluding offshore facilities)	6E-F
112.7(i)	Brittle fracture evaluation requirements	Not Applicable
112.7(j)	Conformance with State requirements	2 -6
112.8	Requirements for onshore facilities (excluding production facilities)	2-6
112.8(a)	General and specific requirements	2-6
112.8(b)	Facility drainage	6A-C
112.8(c)	Bulk storage containers	6D
112.8(d)	Facility transfer operations, pumping, and facility process	6E-F

From: Kaplan, Jay-A (NYC)
Sent: Tuesday, May 29, 2012 10:44 AM
To: Imdadul Islam
Cc: Selvin Southwell
Subject: RE: Waste Management, 75 Thomas Street, Brooklyn, New York

Imdadul: Please accept this email as a request for additional time to respond to the information request attached below. Our consultant is working on collecting the information you requested and will have it prepared as soon as possible. We can have the information for you by the close of business June 15, 2012. Please confirm that this is ok with the NYSDEC.

Please contact me at 646-773-1814 if you need to discuss.

Thank you for your assistance.

Jay Kaplan

Waste Management

From: Imdadul Islam [mailto:aiislam@gw.dec.state.ny.us]
Sent: Thursday, May 10, 2012 3:06 PM
To: Kaplan, Jay-A (NYC)
Subject: Re: Waste Management, 75 Thomas Street, Brooklyn, New York

Dear Mr. Kaplan,

We have reviewed your response and submittal. But we have following additional questions and concerns for you to clarify:

1. Some stormwater catch basins and their connection, particularly in the parking lot area and in front of the equipment maintenance and tipping floor buildings area (photo attached) are not shown in the submitted drawing (site stormwater plan, dt. 04/27/12).

5/29/2012

NC04670

2. SWPPP Section 5.2.2 (submitted to DEC in Feb, 2005) states that "drainage from catch basins in the open parking areas is directed to Newtown Creek".
3. NYCDEP shoreline outfall survey report indicates 3 outfalls (NCB-556, NCB-415 and NCB - 301) to Newtown Creek adjacent to your property (map attached). Please clarify and confirm that your site drainage has no connection to these outfalls and/or any other outfalls to Newtown Creek.
4. The site drainage plan for the wood/timber processing area shows adulterated wood storage area as well, whereas, you indicated in your email that only unadulterated wood is processed at the facility.
5. General housekeeping and BMPs at the facility was observed to be poor by the DEC staff during their recent site visit as leachates and residuals from putrescible wastes, fuel/waste oil stains were evidenced on the ground (photo attached) including experiencing fowl smell.
6. If no drainage from the facility is linked to the Newtown Creek, please provide calculation and plan that there will be no surface discharge or potential to surface discharge/runoff from the facility in a 100 year 24-hr storm event, in order to be able to qualify for exemption from the SPDES MSGP coverage requirement (i.e. Zero Discharge criteria fulfillment).
7. Please ensure the correct address of the facility as we see 3 different addresses (480 Scott Ave, 485 Scott Ave and 75 Thomas Street) for this facility in different documentation.
8. In regard to your filing for "No Exposure Certification", please note and be reminded that **you must operate and strictly maintain the facility at all time per your certification of "No" to all the 11 items.**

Please respond to and clarify on the above by May 31, 2012.

Sincerely,

Imdadul Islam, P.E.
Division of Water
NYDEC Region 2
Ph: 718-482-4960
Fax: 718-482-6516

>>> "Kaplan, Jay-A (NYC)" <jkaplan2@wm.com> 4/27/2012 5:52 PM >>>

Imdadul: Attached please find the information you requested in your letter dated April 11, 2012, and attached. As per our telephone conversation yesterday the responsibility for overall compliance of this facility is provided by Waste Management of New York, LLC. The facility does not have a MSGP in place at this time, this is based on the current use of drywells for facility surface water discharge, and the fact that the facility is processing only clean unadulterated wood.

Please review the attached information and contact me at 646-773-1814 to discuss further.

Thank you,

5/29/2012

NC04671

Jay Kaplan

Director East Group Environmental Protection

Waste Management

100 Brandywine Blvd. Third Floor

Newtown, PA 18940

Office 215-269-2117

Mobile 646-773-1814

Fax 713-427-7041

jkaplan2@wm.com

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From: Kaplan, Jay-A (NYC)
Sent: Friday, June 15, 2012 4:07 PM
To: 'Imdadul Islam'
Subject: Waste Management of New York, LLC - BQE Properties

Imdadul: Responses to each of your questions is provided below:

1. Some stormwater catch basins and their connection, particularly in the parking lot area and in front of the equipment maintenance and tipping floor buildings area (photo attached) are not shown in the submitted drawing (site stormwater plan, dt. 04/27/12).

Attached to this email is a drawing showing all parcels with the drainage systems shown (BQE Stormwater Plan, dated 6/11/12).

2. SWPPP Section 5.2.2 (submitted to DEC in Feb, 2005) states that "drainage from catch basins in the open parking areas is directed to Newtown Creek".

There is no current SWPPP for this facility, please refer to the attached drawings.

3. NYCDEP shoreline outfall survey report indicates 3 outfalls (NCB-556, NCB-415 and NCB - 301) to Newtown Creek adjacent to your property (map attached). Please clarify and confirm that your site drainage has no connection to these outfalls and/or any other outfalls to Newtown Creek.

NYCDEP designated outfalls NCB-556 and NCB-415 are connected to drainage systems that serve portions of the Waste Management of New York, LLC property as defined in the two attached drawing, specifically areas located on block 2798, lot 30 and paved areas north and east of this lot. NYCDEP outfall NCB-301 is not located on Waste Management property.

4. The site drainage plan for the wood/timber processing area shows adulterated wood storage area as well, whereas, you indicated in your email that only unadulterated wood is processed at the facility.

Only unadulterated wood is processed at the facility. Adulterated wood, if found in loads, is placed in a storage area for off-site disposal. Adulterated wood is not processed at the facility.

5. General housekeeping and BMPs at the facility was observed to be poor by the DEC staff during their recent site visit as leachates and residuals from putrescible wastes, fuel/waste oil stains were evidenced on the ground

6/18/2012

NC04673

(photo attached) including experiencing fowl smell.

Exterior areas of the facility are regularly inspected for the presence of debris. These areas are regularly cleaned. Additional inspections of the exterior areas are being made to ensure that materials are contained within the interior processing areas.

6. If no drainage from the facility is linked to the Newtown Creek, please provide calculation and plan that there will be no surface discharge or potential to surface discharge/runoff from the facility in a 100 year 24-hr storm event, in order to be able to qualify for exemption from the SPDES MSGP coverage requirement (i.e. Zero Discharge criteria fulfillment).

As shown on the accompanying site drainage plan there are areas of the Waste Management of New York, LLC property with drainage discharge to Newtown Creek. The areas where discharge is directed to the Newtown Creek are asphalt paved open areas separate from operations areas. Operations areas, including the Unadulterated Wood Processing yard, are equipped with drainage collection, storage and infiltration systems which prevent any discharges from reaching Newtown Creek.

The Unadulterated Wood Processing Yard, with an effective drainage area of approximately 60,700 ft², is equipped with a stormwater collection system that will contain and prevent any surface discharge/runoff from the facility in a 100 year, 24-hr storm event. The total precipitation for a 100 year, 24-hr storm event for the NYC area and for this site in particular is approximately 7 inches based on the NYSDEC guidelines. Given this amount of rain and the size of the drainage area the total rain volume would equal approximately 35,400 ft³. The Wood Processing Yard's storm water collection system includes curbing, catch basins, waste traps and storm drain (infiltration) rings. The underground storage capacity of the system equals approximately 8,100 ft³. Additionally the storm drain rings (8 total) have infiltration capacity of approximately 36,000 ft³ in a 24 hr period based on the infiltration area available in the units (1398 ft², 174 ft² per unit) and the infiltration rate of sand (0.01 cm/s or .0003 ft/s).

7. Please ensure the correct address of the facility as we see 3 different addresses (480 Scott Ave, 485 Scott Ave and 75 Thomas Street) for this facility in different documentation.

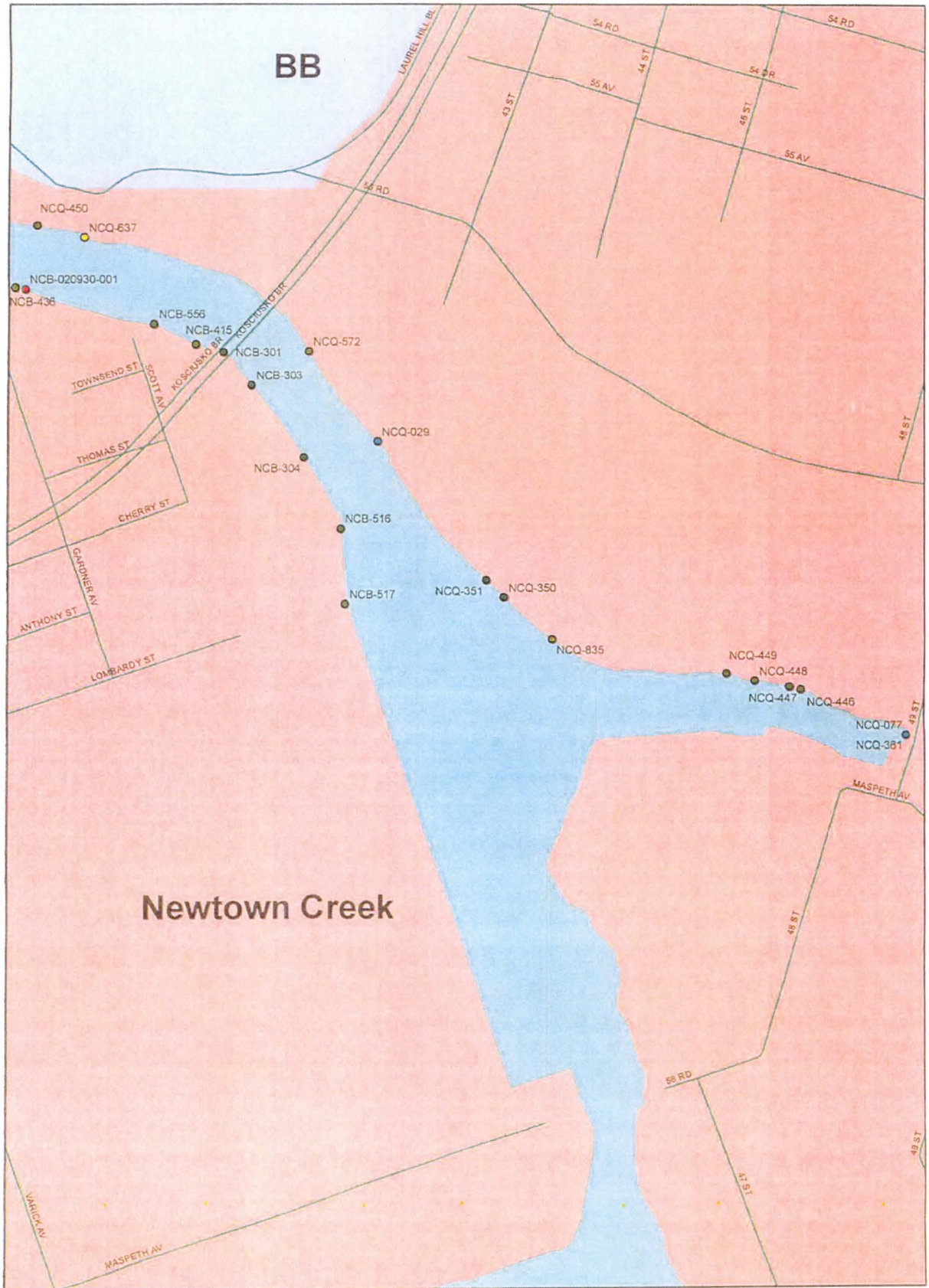
Attached please find a drawing named BQE Tax Lot Numbers, dated 6/11/12. This drawing shows the existing site layout with NYC block and lot boundary lines included as an overlay. Block 2799, lots 1 and 7 represent the unadulterated wood processing operation located at 75 Thomas Street. Block 2802, lots 1, 10, 11, and 14 represent the 485 Scott Avenue property and comprise the putrescible waste transfer station facility. Block 2798, lot 30 is comprised of a two story block building used by Waste Management of New York, LLC. The outdoor portions of lot 30 are asphalt paved areas. The two on-site outfalls discussed above receive surface drainage from the paved area of lot 30 and the open paved areas adjoining lot 30 to the north and east.

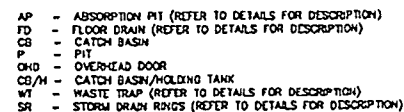
8. In regard to your filing for "No Exposure Certification", please note and be reminded that **you must operate and strictly maintain the facility at all time per your certification of "No" to all the 11 items.**

Thank you for your assistance with this matter.

Jay Kaplan
Director East Group Environmental Protection
Waste Management
100 Brandywine Blvd. Third Floor
Newtown, PA 18940
Office 215-269-2117
Mobile 646-773-1814
Fax 713-427-7041
jkaplan2@wm.com

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From: Imdadul Islam [mailto:aiislam@gw.dec.state.ny.us]
Sent: Thursday, June 21, 2012 1:35 PM
To: Kaplan, Jay-A (NYC)
Cc: Shyamal Sen; Selvin Southwell; Sebastian Zacharias
Subject: Re: Waste Management of New York, LLC -'BQE Properties

Dear Mr. Kaplan,

The Department has reviewed your submittals dated 4/27/2012 and 6/15/2012 in response to Department's request for information dated 04/11/2012, following a site inspection by the Department staff on 03/21/2012. The Department has also reviewed all other pertinent documents on file and record for this facility. Based upon the field observations during the site inspection and review of all the documents, the Department summarizes that:

1. The facility has had coverage under SPDES MSGP (ID # NYR00D520) in the past which was not renewed in the year 2007. Rather, it obtained "No Exposure Certification" upon your filing for it on 06/20/2007 which is due to expire on 06/19/2012.
2. Stormwater from your facility drains to the sensitive waterbody of Newtown Creek via two (2) outfalls without any treatment. The stormwater drainage system to these two outfalls receive runoff from the truck-weighing area, the route of the putrescible waste loaded vehicles and the vehicle parking area. The catch basins and stormwater drainage system are thus susceptible to receiving stormwater commingled with leachate dripping from the trucks and residual solid waste from the facility yard and ultimately discharge to the Newtown Creek.
3. During the site visit, most of the catch basins were found to be unclear, and fowl smell was experienced emanating from them. In addition, discolored wastewater that appears to be leachate, uncovered roll-off containers and stain from used oil and grease were also observed at various areas of the facility yard indicating poor maintenance and housekeeping of the facility.

Based upon the above, the Department concludes and determines that the facility does not qualify for No Exposure Certification, and coverage under MSGP is warranted for the operation of putrescible solid waste transfer station.

The Department is in the process of initiating an enforcement action for the observed and continued violations through a short form consent order.

Thanks,

Sincerely,

6/25/2012

NC04678

Imdadul Islam, P.E.
Environmental Engineer II
Division of Water
NYSDEC Region 2
Ph: 718-482-4960

Imdadul Islam, P.E. | Environmental Engineer 2
Division of Water
New York State Department of Environmental Conservation
47-40 21st Street, Long Island City, NY 11101
☎: 718.482-4960 | 📠: 718.482-6516 |
E-Mail: alislam@gw.dec.state.ny.us

>>> "Kaplan, Jay-A (NYC)" <jkaplan2@wm.com> 6/15/2012 4:07 PM >>>

Imdadul: Responses to each of your questions is provided below:

1. Some stormwater catch basins and their connection, particularly in the parking lot area and in front of the equipment maintenance and tipping floor buildings area (photo attached) are not shown in the submitted drawing (site stormwater plan, dt. 04/27/12).

Attached to this email is a drawing showing all parcels with the drainage systems shown (BQE Stormwater Plan, dated 6/11/12).

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5. General housekeeping and BMPs at the facility was observed to be poor by the DEC staff during their recent site visit as leachates and residuals from putrescible wastes, fuel/waste oil stains were evidenced on the ground (photo attached) including experiencing fowl smell.

Exterior areas of the facility are regularly inspected for the presence of debris. These areas are regularly cleaned. Additional inspections of the exterior areas are being made to ensure that materials are contained within the interior processing areas.

6/25/2012

NC04679

6. If no drainage from the facility is linked to the Newtown Creek, please provide calculation and plan that there will be no surface discharge or potential to surface discharge/runoff from the facility in a 100 year 24-hr storm event, in order to be able to qualify for exemption from the SPDES MSGP coverage requirement (i.e. Zero Discharge criteria fulfillment).

As shown on the accompanying site drainage plan there are areas of the Waste Management of New York, LLC property with drainage discharge to Newtown Creek. The areas where discharge is directed to the Newtown Creek are asphalt paved open areas separate from operations areas. Operations areas, including the Unadulterated Wood Processing yard, are equipped with drainage collection, storage and infiltration systems which prevent any discharges from reaching Newtown Creek.

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7. Please ensure the correct address of the facility as we see 3 different addresses (480 Scott Ave, 485 Scott Ave and 75 Thomas Street) for this facility in different documentation.

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8. In regard to your filing for "No Exposure Certification", please note and be reminded that **you must operate and strictly maintain the facility at all time per your certification of "No" to all the 11 items.**

Thank you for your assistance with this matter.

Jay Kaplan
Director East Group Environmental Protection
Waste Management
100 Brandywine Blvd. Third Floor

6/25/2012

NC04680

Newtown, PA 18940
Office 215-269-2117
Mobile 646-773-1814
Fax 713-427-7041
jkaplan2@wm.com

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From: Kaplan, Jay-A (NYC) [jkaplan2@wm.com]
Sent: Friday, April 27, 2012 5:53 PM
To: aiislam@gw.dec.state.ny.us
Subject: Waste Management, 75 Thomas Street, Brooklyn, New York
Attachments: scan404.pdf; C\$SP-2-DETAIL C\$SP-2-DETAIL.pdf; D520 NO EXPOSURE CERT AND ACK 06262007.pdf; WMNYDocument.pdf

Imdadul: Attached please find the information you requested in your letter dated April 11, 2012, and attached. As per our telephone conversation yesterday the responsibility for overall compliance of this facility is provided by Waste Management of New York, LLC. The facility does not have a MSGP in place at this time, this is based on the current use of drywells for facility surface water discharge, and the fact that the facility is processing only clean unadulterated wood.

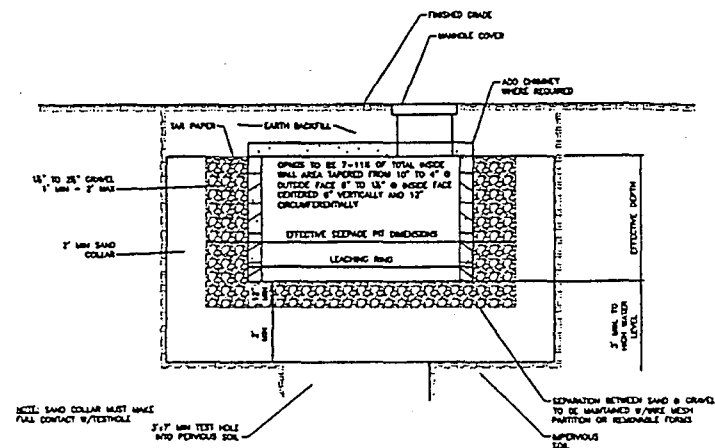
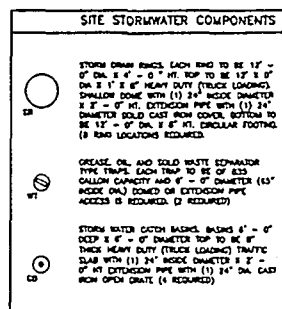
Please review the attached information and contact me at 646-773-1814 to discuss further.

Thank you,

Jay Kaplan
Director East Group Environmental Protection
Waste Management
100 Brandywine Blvd. Third Floor
Newtown, PA 18940

Office 215-269-2117
Mobile 646-773-1814
Fax 713-427-7041
jkaplan2@wm.com

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ABSORPTION TYPE PIT
SCALE = 1/8"

DESIGNED BY:	KS	BOE FACILITY	480 SCOTT AVENUE, BROOKLYN, NY 11222
DRAWN BY:	TAH	STORMWATER DETAILS & DESCRIPTION	
CHECKED BY:	JJF		
DATE:	04/27/12	SCALE:	SHEET NO.:
DESIGNED BY:	JJF	DRAWING NO.:	

Prepared by:	SAVIN ENGINEERS, P.C. 1 CAMPUS DRIVE PLEASANTVILLE, NY 10579	Prepared by:	WASTE MANAGEMENT OF NEW YORK, LLC 123 VAROCK AVENUE BROOKLYN, N.Y. 11217
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IT IS A VIOLATION OF THE PROFESSIONAL LICENSE LAW FOR ANY PERSON TO ALTER THIS DRAWING IN ANY WAY, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER. THE ALTERING ENGINEER SHALL AFFIX HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND DATE OF ALTERATION.

NO EXPOSURE CERTIFICATION for Exclusion from SPDES Storm Water Permitting

Owner/Operator Name: Waste Management of New York, LLC.

City/State/Zip: 11237

Phone No.: (718) 533-5310

City/State/Zip: 11222

SIC Code: 4212

The completion of this section will serve as a termination of your general storm water permit.

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion.

☐ Yes

150

- | | |
|----|--|
| 1 | Using, storing or cleaning industrial machinery or equipment, and in areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water |
| 2 | Materials or residuals on the ground or in storm water inlets from spills leaks |
| 3 | Materials or products from past industrial activity |
| 4 | Material handling equipment (except adequately maintained vehicles) |
| 5 | Materials or products during loading/unloading or transporting activities |
| 6 | Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants) |
| 7 | Materials contained in open, dented or leaking storage drums, barrels, tanks, and similar containers |
| 8 | Materials or products loaded/stored on roads or railways owned or maintained by the discharger |
| 9 | Waste material (except waste in covered, non-leaking containers [e.g., drums etc.] |
| 10 | Application or disposal of process wastewater (unless otherwise permitted) |
| 11 | Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow |

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from SPDES storm water permitting. I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)). I understand that I am obligated to submit a no exposure certification form once every five years to the NPDDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharge(s) (where applicable). I understand that I must allow the SPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform in person to confirm the condition of no exposure and to make such inspection reports publicly available upon request.

Title/Position Environmental Compliance Manager

Signature:

100

NC04685

New York State Department of Environmental Conservation
Division of Water
Bureau of Water Permits, 4th Floor
625 Broadway, Albany, New York 12233-3505
Phone: (518) 402-8111 • Fax: (518) 402-9029
Website: www.dec.state.ny.us



7/9/2007

WASTE MANAGEMENT OF NEW YORK, LLC
123 VARICK AVENUE
BROOKLYN NY 11237

Dear Owner/Operator:

This letter will confirm receipt of your No Exposure Certification form for the following facility:

BQE TRANSFER STATION
485 SCOTT AVENUE
BROOKLYN NY 11237

This facility has been granted exclusion from permitting under the terms and conditions imposed by the New York State Department of Environmental Conservation (DEC) SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002). It is not, however, a DEC determination of the validity of the information you provided. Your signature on the No Exposure Certification form certifies that you have read, understood and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for exclusion.

You will need to submit a No Exposure Certification form once every five years. Additionally, if you determine you are no longer eligible for the No Exposure Certification, you must apply for coverage under SPDES General Permit #0-06-002 (stormwater discharges associated with industrial activity.) Copies of the permit or blank Notice of Intent forms may be obtained by contacting me at 518-402-8109 or via the Internet at: www.dec.state.ny.us/website/dow.

Note: No Exposure Certification does not necessarily mean you do not need other permits required under the Uniform Procedures Act. You should check with your Regional Permit Administrator for further information.

Sincerely,

Toni Cioffi
Environmental Program Specialist

tc

NC04686

From: Toni Cioffi [mailto:txcioffi@gw.dec.state.ny.us]
Sent: Thursday, June 21, 2012 3:21 PM
To: Kaplan, Jay-A (NYC)
Subject: RE: My Contact Info.

I will discontinue the No Exposure Certifications for the two facilities listed below.

Thank you,

Toni Cioffi
NYS Department of Environmental Conservation
Division of Water - Bureau of Water Permits
625 Broadway
Albany, NY 12233-3505
518-402-8109 (phone)
518-402-9029 (fax)

>>> "Kaplan, Jay-A (NYC)" <jkaplan2@wm.com> 6/21/2012 3:15 PM >>>

Toni: Please accept this email as confirmation that the two Waste Management of New York, LLC facilities named below will be seeking coverage under the NYSDEC Multi-Sector General Permit.

Varick 1 Transfer Station
215 Varick Avenue
Brooklyn, NY 11237

BQE Transfer Station
485 Scott Avenue
Brooklyn, NY 11237

As a result the No-Exposure status for these two locations should be terminated.

NOITTs will be submitted to the NYSDEC as soon as possible.

Thank you for your assistance.

6/25/2012

NC04687

Jay Kaplan
Director East Group Environmental Protection
Waste Management
100 Brandywine Blvd. Third Floor
Newtown, PA 18940
Office 215-269-2117
Mobile 646-773-1814
Fax 713-427-7041
jkaplan2@wm.com

From: Toni Cioffi [mailto:txcioffi@gw.dec.state.ny.us]
Sent: Thursday, June 21, 2012 3:04 PM
To: Kaplan, Jay-A (NYC)
Subject: My Contact Info.

Thank you,

Toni Cioffi
NYS Department of Environmental Conservation
Division of Water - Bureau of Water Permits
625 Broadway
Albany, NY 12233-3505
518-402-8109 (phone)
518-402-9029 (fax)

Waste Management recycles enough paper every year to save 41 million trees. Please recycle any printed emails.

From: Kaplan, Jay-A (NYC) [jkaplan2@wm.com]
Sent: Thursday, June 21, 2012 3:16 PM
To: Toni Cioffi

Subject: RE: My Contact Info.

Toni: Please accept this email as confirmation that the two Waste Management of New York, LLC facilities named below will be seeking coverage under the NYSDEC Multi-Sector General Permit.

Varick 1 Transfer Station
215 Varick Avenue
Brooklyn, NY 11237

BQE Transfer Station
485 Scott Avenue
Brooklyn, NY 11237

As a result the No-Exposure status for these two locations should be terminated.

NOITTs will be submitted to the NYSDEC as soon as possible.

Thank you for your assistance.

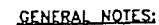
Jay Kaplan
Director East Group Environmental Protection
Waste Management
100 Brandywine Blvd. Third Floor
Newtown, PA 18940
Office 215-269-2117
Mobile 646-773-1814
Fax 713-427-7041
jkaplan2@wm.com

From: Toni Cioffi [mailto:txcioffi@gw.dec.state.ny.us]
Sent: Thursday, June 21, 2012 3:04 PM
To: Kaplan, Jay-A (NYC)
Subject: My Contact Info.

Thank you,

Toni Cioffi
NYS Department of Environmental Conservation
Division of Water - Bureau of Water Permits
625 Broadway
Albany, NY 12233-3505
518-402-8109 (phone)
518-402-9029 (fax)

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1. THE BROOKLYN HIGHWAY DATUM IS 2.36 FEET ABOVE THE NGVD 1929 DATUM.
2. LOCAL DATUM BASED ON LOCATION APPROXIMATELY 100' FROM NW CORNER OF BUILDING 3' OFF OUTER FACE OF STRUCTURE. ELEVATIONS GIVEN OF EXISTING AND PROPOSED FEATURES SHOWN ARE BASED ON LOCAL DATUM AND FROM SURVEY PERFORMED ON 11/8/10.

LEGEND:

- AP - ABSORPTION PIT (REFER TO DETAILS FOR DESCRIPTION)
FD - FLOOR DRAIN (REFER TO DETAILS FOR DESCRIPTION)
CB - CATCH BASIN
P - PIT
OHD - OVERHEAD DOOR
CB/H - CATCH BASIN/HOLDING TANK
WT - WASTE TRAP (REFER TO DETAILS FOR DESCRIPTION)
SR - STORM DRAIN RINGS (REFER TO DETAILS FOR DESCRIPTION)

From: Imdadul Islam [mailto:aiislam@gw.dec.state.ny.us]
Sent: Thursday, May 10, 2012 3:06 PM
To: Kaplan, Jay-A (NYC)
Subject: Re: Waste Management, 75 Thomas Street, Brooklyn, New York

Dear Mr. Kaplan,

We have reviewed your response and submittal. But we have following additional questions and concerns for you to clarify:

1. Some stormwater catch basins and their connection, particularly in the parking lot area and in front of the equipment maintenance and tipping floor buildings area (photo attached) are not shown in the submitted drawing (site stormwater plan, dt. 04/27/12).
2. SWPPP Section 5.2.2 (submitted to DEC in Feb, 2005) states that "drainage from catch basins in the open parking areas is directed to Newtown Creek".
3. NYCDEP shoreline outfall survey report indicates 3 outfalls (NCB-556, NCB-415 and NCB - 301) to Newtown Creek adjacent to your property (map attached). Please clarify and confirm that your site drainage has no connection to these outfalls and/or any other outfalls to Newtown Creek.
4. The site drainage plan for the wood/timber processing area shows adulterated wood storage area as well, whereas, you indicated in your email that only unadulterated wood is processed at the facility.
5. General housekeeping and BMPs at the facility was observed to be poor by the DEC staff during their recent site visit as leachates and residuals from putrescible wastes, fuel/waste oil stains were evidenced on the ground (photo attached) including experiencing fowl smell.
6. If no drainage from the facility is linked to the Newtown Creek, please provide calculation and plan that there will be no surface discharge or potential to surface discharge/runoff from the facility in a 100 year 24-hr storm event, in order to be able to qualify for exemption from the SPDES MSGP coverage requirement (i.e. Zero Discharge criteria fulfillment).
7. Please ensure the correct address of the facility as we see 3 different addresses (480 Scott Ave, 485 Scott Ave and 75 Thomas Street) for this facility in different documentation.
8. In regard to your filing for "No Exposure Certification", please note and be reminded that **you must operate and strictly maintain the facility at all time per your certification of "No" to all the 11 items.**

Please respond to and clarify on the above by May 31, 2012.

Sincerely,

Imdadul Islam, P.E.
Division of Water
NYSDEC Region 2
Ph: 718-482-4960
Fax: 718-482-6516

>>> "Kaplan, Jay-A (NYC)" <jkaplan2@wm.com> 4/27/2012 5:52 PM >>>

Imdadul: Attached please find the information you requested in your letter dated April 11, 2012, and attached. As per our telephone conversation yesterday the responsibility for overall compliance of this facility is provided by Waste Management of New York, LLC. The facility does not have a MSGP in place at this time, this is based on the current use of drywells for facility surface water discharge, and the fact that the facility is processing only clean unadulterated wood.

Please review the attached information and contact me at 646-773-1814 to discuss further.

Thank you.

Jay Kaplan

Director East Group Environmental Protection

Waste Management

100 Brandywine Blvd. Third Floor

Newtown, PA 18940

Office 215-269-2117

Mobile 646-773-1814

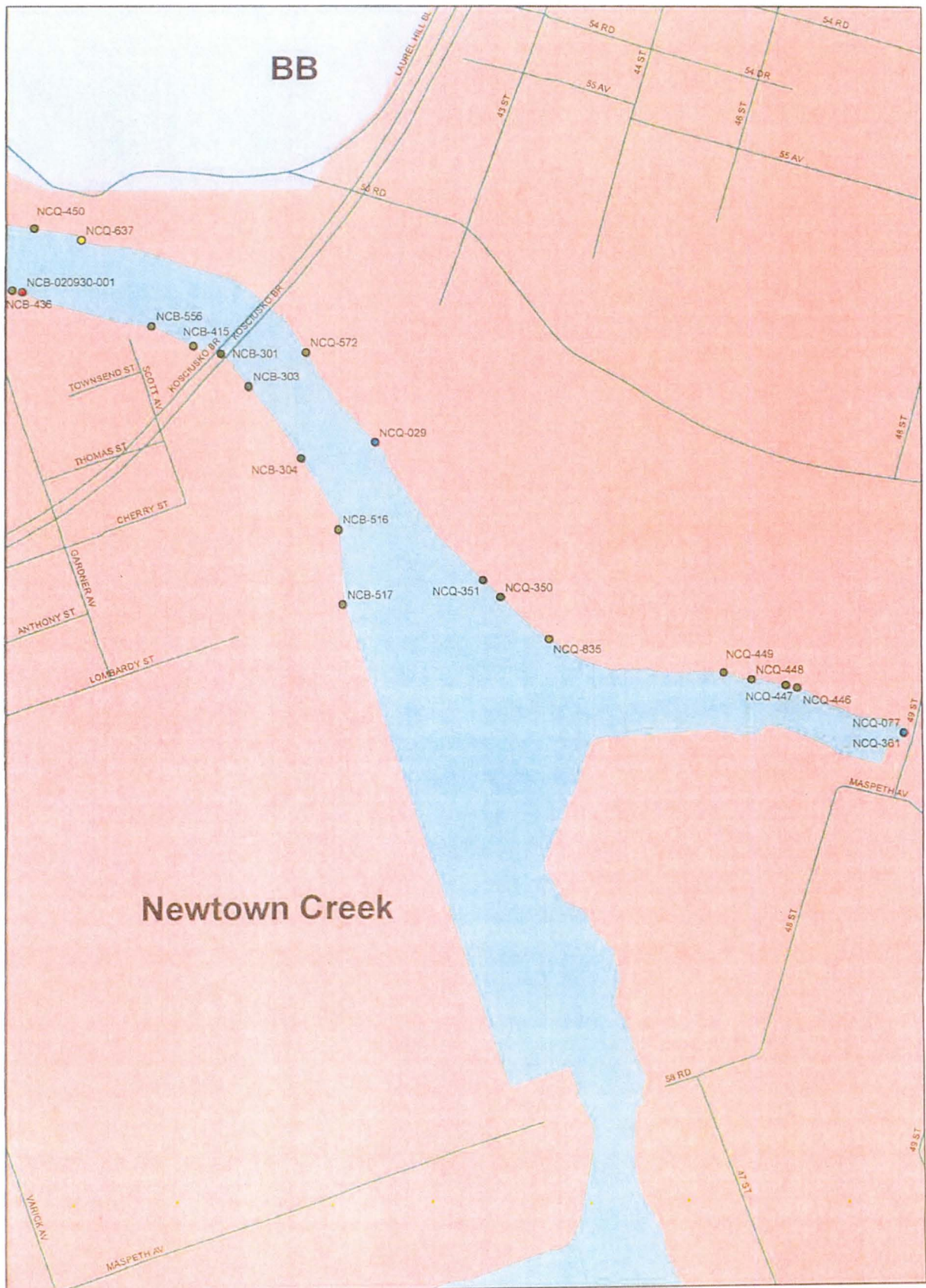
Fax 713-427-7041

jkaplan2@wm.com

5/22/2012

NC04693

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NC04696

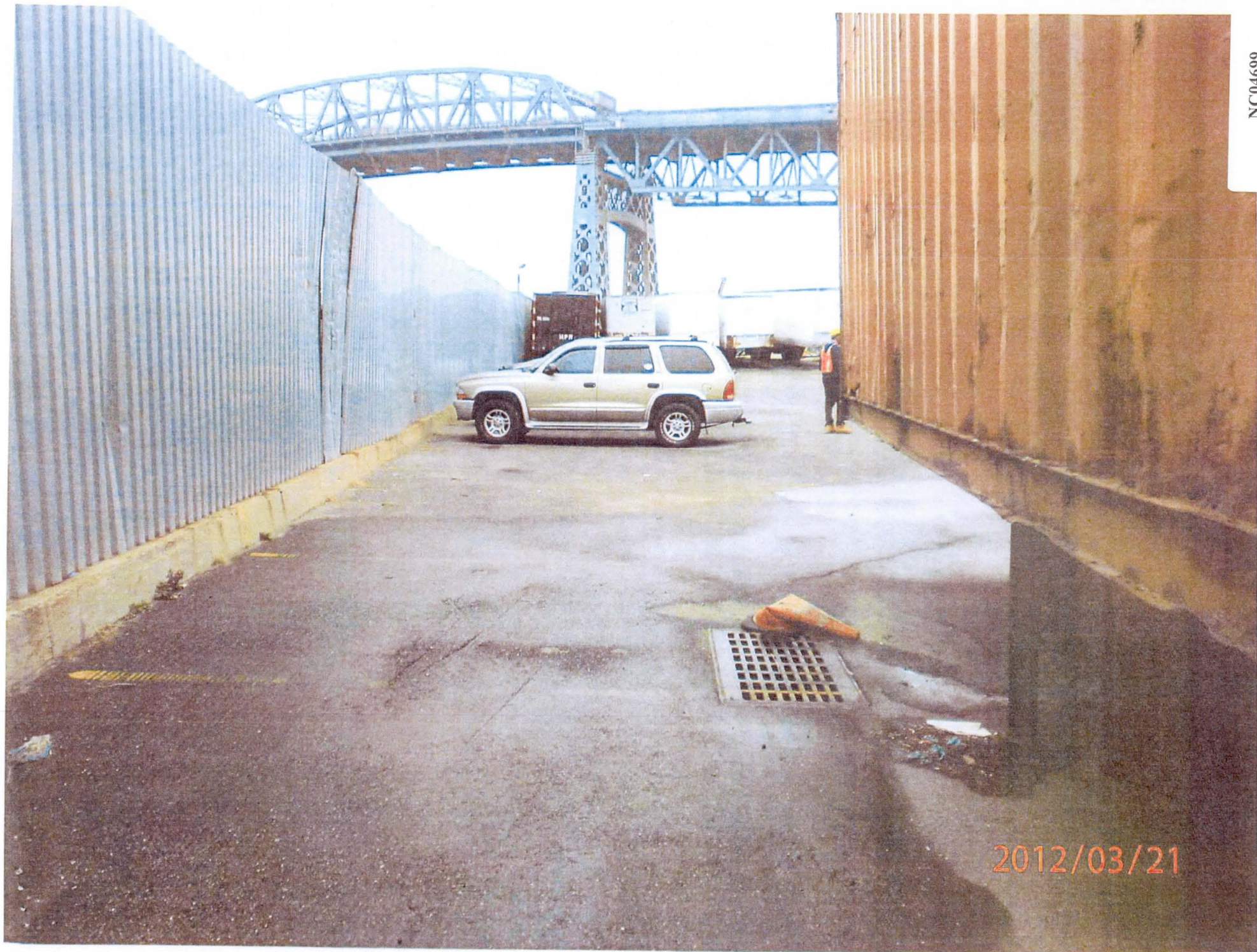


2012/03/21



NC04698

2012/03/21



2012/03/21

From: Kaplan, Jay-A (NYC) [jkaplan2@wm.com]
Sent: Friday, April 27, 2012 5:53 PM
To: aiislam@gw.dec.state.ny.us
Subject: Waste Management, 75 Thomas Street, Brooklyn, New York
Attachments: scan404.pdf; C\$SP-2-DETAIL C\$SP-2-DETAIL.pdf; D520 NO EXPOSURE CERT AND ACK 06262007.pdf; WMNYDocument.pdf

Imdadul: Attached please find the information you requested in your letter dated April 11, 2012, and attached. As per our telephone conversation yesterday the responsibility for overall compliance of this facility is provided by Waste Management of New York, LLC. The facility does not have a MSGP in place at this time, this is based on the current use of drywells for facility surface water discharge, and the fact that the facility is processing only clean unadulterated wood.

Please review the attached information and contact me at 646-773-1814 to discuss further.

Thank you,

Jay Kaplan
Director East Group Environmental Protection
Waste Management
100 Brandywine Blvd. Third Floor
Newtown, PA 18940

Office 215-269-2117
Mobile 646-773-1814
Fax 713-427-7041
jkaplan2@wm.com

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New York State Department of Environmental Conservation
Division of Water
625 Broadway
Albany, New York 12233-3505

NO EXPOSURE CERTIFICATION for Exclusion from SPDES Storm Water Permitting

I. Owner/Facility Information

Owner/Operator Name: Waste Management of New York, LLC

Mailing Address: 123 Varick Avenue

City/State/Zip: 11237

Contact Name: Jay Kaplan

Phone No.: (718) 533-5310

Facility Name: BOE Transfer Station

Street Address: 485 Scott Avenue

City/State/Zip: 11222

County: Kings County

Latitude: 404237.6

Longitude: 735526.3

SIC Code: 4212

Was the facility previously covered under a SPDES storm water permit? *[Yes]* *No*

If yes, enter permit number: *NYP 000580*
The completion of this section will serve as a termination of your general storm water permit.

II. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion.

YES NO

- | | | | |
|----|---|--|---|
| 1 | Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water | | ✓ |
| 2 | Materials or residuals on the ground or in storm water inlets from spills/leaks | | ✓ |
| 3 | Materials or products from past industrial activity | | ✓ |
| 4 | Material handling equipment (except adequately maintained vehicles) | | ✓ |
| 5 | Materials or products during loading/unloading or transporting activities | | ✓ |
| 6 | Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants) | | ✓ |
| 7 | Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers | | ✓ |
| 8 | Materials or products handled/stored on roads or railways owned or maintained by the discharger | | ✓ |
| 9 | Waste material (except waste in covered, non-leaking containers [e.g., dumpster]) | | ✓ |
| 10 | Application or disposal of process wastewater (unless otherwise permitted) | | ✓ |
| 11 | Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow | | ✓ |

III. Certification

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from SPDES storm water permitting. I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 60 CFR 122.26(g)(2)). I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the SPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request.

Printed Name: Jay Kaplan

Title Position: Environmental Compliance Manager

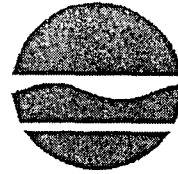
Signature: *[Signature]*

Date: *1/22/12*

(10/03/00)

NC04701

New York State Department of Environmental Conservation
Division of Water, Region 2
47-40 21ST Street, Long Island City, NY 11101-5407
Phone: (718) 482-4933 • FAX: (718) 482-6516
Website: www.dec.ny.gov



Joe Martens
Commissioner

Via Email and Regular US Mail

April 11, 2012

Mr. Jay Kaplan, Environmental Compliance Manager
Waste Management of New York, LLC
123 Varick Avenue
Brooklyn, NY 11237

Re: Request for Information
Waste Management of New York, LLC at 75 Thomas Street, Brooklyn, NY 11222

Dear Mr. Kaplan:

The Department staff conducted an inspection at the referenced facility on Wednesday, March 21, 2012. The purpose of the inspection was to evaluate the referenced facility's compliance with the requirements of the State Pollutants Discharge Elimination System (SPDES) regulations and Article 17 of the Environmental Conservation Law. The inspection consisted of a site visit, facility's operation and review of pertinent records including the SPDES No Exposure Certification for Stormwater Permitting.

Under the authority of Section 308 of the Clean Water Act and Article 17-0303 of the New York State Conservation Law (ECL), the Department is requesting the submission of the following information necessary to determine and assess the compliance status of the facility with regard to SPDES permitting and regulations:

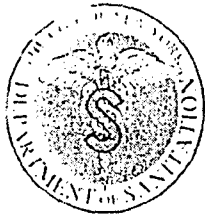
- i. A signed copy of facility's no exposure certification.
- ii. Facility's drainage plan with the following details: number and location of catch basins, drainage pipes and any outfall from the facility; number and cross-section of drywells including waste traps, if any.
- iii. Details of the agreement/contract/lease with the Reliable Wood Products, LLC with respect to stormwater management and SPDES MSGP permitting for their operation.

Please submit all of the above-mentioned information by April 27, 2012. Should you have any questions regarding this request, please contact Mr. Shyamal Sen at (718) 482-6439 or Mr. Sebastian Zacharias at (718) 482-4936.

Sincerely,

Imdadul Islami, P.E.,
Environmental Engineer 2

Cc: R. Elburn, P.E./S. Southwell, P.E./S. Zacharias, P.E./S. Sen



sanitation

NEW YORK CITY DEPARTMENT OF SANITATION

ENVIRONMENTAL AFFAIRS
PERMIT INSPECTION UNIT
125 Worth Street, Room 723
New York, New York 10013
Telephone (646) 885-5027
Main Office Fax (212)788-3786

Date of Issuance – December 2, 2011

NON-PUTRESCIBLE SOLID WASTE TRANSFER STATION PERMIT

Transfer Station Number: 30

Address: Waste Management of New York, LLC.
75 Thomas Street
Brooklyn, New York 11222

Block # 2799 Lot # 1
Block # 2803 Lot's # 7,14,25

From: 11/7/11 To: 11/6/12

The above referenced location is to be used only for the reception and deposition of non-putrescible solid waste material. Such waste material is to be removed from the transfer station for final disposition within 48 hours. This permit is further subject to the following conditions:

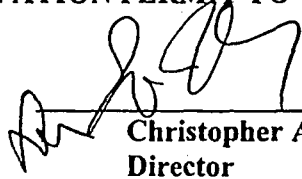
All operations at these premises and the use thereof shall be in conformity with all applicable federal, state and local laws, and the rules and regulations of any governmental agency having jurisdiction over these premises or the use thereof; and in accordance with any statements contained in your application.

- 1) The height of the non-putrescible solid waste pile(s) must not exceed 8 feet;
- 2) A 10-foot opaque fence must enclose the site on all sides of the property;
- 3) The volume of non-putrescible solid waste stored must not exceed 5,000 cubic yards;
- 4) The maximum amount of non-putrescible solid waste throughput that may be processed must not exceed 1500 tons per day;
- 5) A working water supply must be within access of all sections of the pile(s);
- 6) Dust created by the dumping and transferring of non-putrescible solid waste must be kept under control;

- 7) Only non-putrescible solid waste can be dumped at your transfer station site as defined by the Department's rules and regulations;
- 8) A daily record shall be kept showing what non-putrescible solid waste is brought into the site by cubic yards, where it came from, and where it was ultimately disposed of by cubic yards;
- 9) Non-putrescible solid waste may be deposited only in the depository area initially outlined for this purpose on the survey map;
- 10) This permit should be prominently displayed at the transfer station site and available for review by Department inspectors at all times.
- 11) This permit is conditioned upon compliance by the permittee with any and all rules and regulations of the Department of Sanitation in existence on the date of this permit's issuance, and any operating rules amended or promulgated during its term.
- 12) The facility shall comply with all state and local laws and rules governing the installation and maintenance of a system for the sanitary disposal or discharge of sewage, wastewater, leachate, and storm water. All drainage systems shall be kept clean and functioning. Leachate or wash water shall not flow into the streets. The Department or other state or local agency with jurisdiction over the disposal or discharge of sewage, waste water, leachate, or storm water may inspect the facility to ensure compliance with all applicable laws and rules, and may require the installation of control systems as determined necessary by the Department or such agency.
- 13) In issuing this permit, the Department of Sanitation has relied upon the statements, representations and certifications made on behalf of the transfer station operator by its principals, agents, employees or professional consultants in the permit application and in the documents, materials and other information submitted in support of such application (collectively, the "Application"). Any material misrepresentations or material omissions contained in the Application may be deemed grounds for suspension or termination of the permit.

SPECIAL NOTE:

THIS PERMIT IS BASED UPON THE CONDITION THAT THE HOLDER OBTAIN RENEWALS OF ALL REQUIRED PERMITS AND SUBMIT COPIES OF THOSE RENEWED PERMITS TO THE PERMIT & INSPECTION UNIT, DEPARTMENT OF SANITATION. THE DEPARTMENT'S PERMIT SHALL BE SUSPENDED IF THE HOLDER SHALL FAIL TO RENEW ANY AND ALL REQUIRED DOCUMENTS OR NO LONGER POSSESSES AUTHORIZATION FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PERMIT TO OPERATE.



Christopher Abbate
Director

Page 3 of 3

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER:
2-6101-00026/00001EFFECTIVE DATE:
December 16, 2010FACILITY:
Waste Management of New York, LLC.
485 Scott Ave., Brooklyn 11237 ["BQE"]

PERMIT

Under the Environmental Conservation Law (ECL)

EXPIRATION DATE:
December 16, 2015TYPE of PERMIT: ☐ New ☒ Renewal ☐ Modification ☐ Permit to Reconstruct ☒ Permit to Operate☒ Article 27, Title 7; 6 NYCRR
360: Solid Waste Management☐ 6 NYCRR 608: Water Quality
Certification☐ Article 15, Title 15: Long
Island Wells☐ Article 17, Titles 7, 8:
SPDES☐ Article 25: Tidal Wetlands☐ Article 15, Title 5: Protection
of Waters

PERMIT ISSUED TO:

Waste Management of New York, LLC, as owner and operator
(David Balblerz, Vice President)

TELEPHONE:

718/533-5214

ADDRESS OF PERMITTEE:

123 Varick Avenue
Brooklyn, NY 11237

CONTACT PERSON FOR PERMITTED WORK:

Jay Kaplan, Waste Management
Joseph Fileni, Savin Engineers, PC

TELEPHONE:

718/533-5310
914/769-3200, ext 227

FACILITY NAME:

BQE

FACILITY ADDRESS:

485 Scott Ave.,
Brooklyn 11237

DESCRIPTION OF AUTHORIZED ACTIVITY:

Operation of a solid waste transfer station and construction and demolition debris processing facility that is authorized to accept only putrescible solid waste (PSW), construction and demolition debris (C&D), and commingled recyclables (CR). The facility may receive no more than 1,500 tons per day (TPD) PSW, 1,500 TPD C&D, and 810-TPD (equivalent to 2,500 cubic yards a day) CR. At any one time the facility must have on site no more than the following amounts of the following types of solid waste: 4,800 cubic yards (CY) of PSW as described in Sheet 9 and Appendix J of the Engineering Report cited in Special Condition 16, below; 3,465 CY of CR as described in Sheet 6 and Appendix J of the Engineering Report cited in Special Condition 16, below; and 5,380 CY of C&D as described in Sheet No. 6 and Appendix J of the Engineering Report cited in Special Condition 16, below. The facility is authorized to operate during the following hours only: 24 hours a day, Monday through Saturday; closed Sunday.

All work associated with the authorized activity described above must comply with all of the applicable provisions of 6 NYCRR Part 360 (Solid Waste Management Regulations), effective 10 March 2003. By acceptance of this permit, the Permittee agrees that this permit is contingent upon strict compliance with the ECL, all applicable regulations, and the General Conditions and Special Conditions included herein.

REGIONAL PERMIT ADMINISTRATOR:
John F. CryanADDRESS: 47-40 21st Street
Long Island City, NY 11101

AUTHORIZED SIGNATURE:

DATE
December 16, 2010

Page 1 of 6

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The Permittee, including state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the Permittee's acts or omissions in connection with the Permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the Permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the subject work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The subject facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the Permittee is complying with this permit and the ECL. Such representative may order the subject work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The Permittee must provide a person to accompany the Department's representative during an inspection of the subject facility when the Department provides written or verbal notification to the Permittee at least 24 hours prior to such inspection.

A copy of this permit, including all general and special conditions therein, all amendments thereto, and all documents referenced therein must be available for inspection by the Department at the project site at all times that activity associated with the subject work is occurring. Failure to produce a copy of such permit, conditions, amendments, or documents upon request by a Department representative is a violation of this permit.

Any sign provided by the Department with this permit must be protected from the weather and posted in a conspicuous location at the subject work site throughout the period during which any of the subject work occurs.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, this permit does not modify, supersede, or rescind any order or determination previously issued by the Department or any of the terms, conditions, or requirements contained in such order or determination.

General Condition 3: Applications for Permit Renewals, Modifications, or Transfers

The Permittee must submit a separate written application to the Department for renewal, modification, or transfer of this permit, including but not limited to a change in facility operator. Such application must include any forms or supplemental information the Department requires. Any renewal, modification, or transfer granted by the Department must be in writing. The Permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities, major Air Pollution Control (APC) and Solid Waste Management Facilities; and
- b) 30 days before the expiration of all other permit types.

Submission of applications for permit renewal, modification, or transfer are to be submitted to:

NYSDEC Regional Permit Administrator, Region 2, 47-40 21 Street, Long Island City, NY 11101 (tel. 718/482-4997).

General Condition 4: Permit Modifications, Suspensions, and Revocations by the Department

The Department reserves the right to modify, suspend, or revoke this permit; grounds for such actions include:

- a) exceeding the scope of the project as described in the permit application;
- b) noncompliance with the instant permit or any previously issued permit, order of the commissioner, or provision of the ECL or Departmental regulation related to the permitted activity;
- c) materially false or inaccurate statements or failure to disclose relevant facts in the permit application and supporting papers;
- d) newly discovered material information or a material change in environmental conditions, relevant technology, or applicable law or regulation since the issuance of the instant permit.

General Condition 5: Compliance with Other Regulatory Requirements

The Permittee is responsible for obtaining any other permits, approvals, lands, easements, and rights-of-way that may be required for the subject work. The Permittee and its independent contractors, employees, agents, and assigns must comply with all applicable local, State, and federal statutory, regulatory, and legal requirements.

General Condition 6: Permittee to Ensure that its Contractors Comply with Permit

The Permittee must ensure that its independent contractors, employees, agents, and assigns read, understand, and comply with this permit, including all General and Special Conditions herein, in general, and General Condition No. 5, above, in particular. Such persons must be subject to the same sanctions for violations of this permit as those prescribed for the Permittee.

DEC PERMIT NUMBER
2-6101-00028/00001

FACILITY
Waste Management at 485 Scott Ave., Brooklyn 11237 ("BQE")

Page 2 of 6

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)

7. That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized must not be completed, the owners, must, without expense to the State, and to such extent and in such time and manner as the Department may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
8. The State of New York must in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
9. All necessary precautions must be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the project. The use of creosote-treated lumber to construct or maintain the physical plant of the subject facility is prohibited.
10. Any material dredged in association with the work herein permitted must be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain, or deep holes that may have a tendency to cause damage to navigable channels, the banks of a waterway, water quality, sediment quality, or benthic habitat.
11. There must be no unreasonable interference with navigation by the work herein authorized.
12. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the Permittee must, without expense to the State, and to such extent and in such time and manner as the Department may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
13. If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
14. If granted under 6 NYCRR Part 360, the Department hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306, and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
15. If not otherwise certified in accordance with Title 19, Part 600.4 (c) of the New York Code of Rules and Regulations, the Department hereby certifies that the action described and approved in this permit, if located within the Coastal Zone, is consistent to the maximum extent practicable with the policies and purposes of the New York City Waterfront Revitalization Program.

SPECIAL CONDITIONS

16. All operation associated with the subject facility must conform to the following documents (including all attachments and appendices): the report, "Engineering Report for WMNY BQE Solid Waste Transfer Station: 485 Scott Avenue Brooklyn, NY," prepared by Earth Tech, and last revised 30 December 2005, as updated by 2 November 2007 and 11 December 2007 Earth Tech correspondence to the Department (regarding radiation detection equipment) and Savin Engineers correspondence to the Department dated 27 January 2009 (regarding facility emergency operations), 6 February 2009 (regarding management of facility wastewater and management of the facility's balers and conveyors), and 11 May 2010 (regarding facility storage capacities). Such operation must also conform to authorizations issued by the Department on 1 December 2004 (regarding the facility's environmental monitor), 9 March 2006 (regarding the removal of equipment), 12 July 2006 (regarding the management of balers and conveyors), 16 February 2007 (regarding the installation of a tarping station), and 6 August 2008 (regarding the management of the wood yard and the replacement of underground wastewater holding tanks). However, if any portion of such documents conflicts with any permit provision, that contrary portion shall not supersede the permit provision.
17. a. Except as provided in subparagraph (b) of this Special Condition, any proposed change, including but not limited to one that would (i) affect the hours of facility operation; or (ii) increase the volume(s) or vary the type(s) of any waste accepted at the facility; or (iii) increase the parking or queuing of vehicles associated with the subject facility; or (iv) increase the physical extent of the facility; or (v) increase the transportation, noise, odor, dust, or other impact of the facility, requires prior written authorization from the Department in the form of a permit or permit modification. No such change is to be initiated unless and until first obtaining such permit or permit modification.
- b. Any proposed change that would be a minor alteration, such as the addition of a tarping rack or the reconfiguration of the facility's physical plant without the addition of any waste processing equipment, may be performed in accordance with the following procedure: No less than 30 days before the Permittee's proposed initiation of any such minor structural or operational alteration(s) to the subject facility, the Permittee must provide written notice, in duplicate, to the Regional Solid Materials Engineer (the DEC Engineer) and the Regional Permit Administrator. Such notice must include the following: (i) a revised facility site plan, process flow diagram, or other detailed drawing(s), as appropriate, specifically illustrating such change(s) and (ii) a letter which (a) details such change(s); (b) amends the Permittee's Engineering Report or other material, as appropriate; and (c) identifies the Permittee's proposed date to initiate such change(s). The Permittee must not initiate any such change(s) prior to the Permittee's proposed date to do so, unless otherwise authorized by the Department. Notwithstanding the foregoing, the Department reserves the right to deny or modify the Permittee's requested change or to require that it be subjected to a full permit or permit modification process.

DEC PERMIT NUMBER
2-6101-00026/00001

FACILITY
Waste Management at 485 Scott Ave., Brooklyn 11237 ["BQE"]

Page 3 of 8

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

ADDITIONAL SPECIAL CONDITIONS FOR ARTICLES 27 and 28 NYCRR Part 360 (Solid Waste Management Facilities)

18. Within thirty days following the issuance of the Instant permit, the Permittee must have a professional engineer licensed by the State of New York, deliver to the DEC Engineer, in duplicate, certification that the subject facility is constructed in conformance with the documents cited in Special Condition 16, above. Record Drawings must be appended to such certification. If the Department requests a revision or addendum to such Record Drawings, the Permittee must deliver same, in duplicate, to the DEC Engineer, within 30 days following the issuance of each such request. Unless and until stated otherwise by the Department, the subject work must conform to the Record Drawings accepted by the Department.
19. Any construction or operation of the subject facility must result in no substantial off-site erosion or sedimentation. Any application by the Permittee to perform construction at the subject site must include specific erosion and sedimentation controls, which are adequate to prevent off-site erosion and sedimentation from occurring as a result of such construction. Before any soil is disturbed on the subject site, the Permittee must erect such erosion and sedimentation controls. Said controls must be maintained until the disturbed soil is stabilized by pavement or a self-sustaining cover of vegetation that is adequate to prevent erosion and sedimentation on and off such site. Before such controls are removed, the Permittee must remove and properly dispose all sediment that has accumulated at such controls.
20. During any proposed construction, and any proposed excavation in particular, adequate dust suppression and other appropriate health and safety measures must be deployed and maintained. A person who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them, must be present throughout project construction and must witness all proposed excavation work. The instructions of such person must be followed.
21. Reliable Wood Products, Inc. (vendor) is the Permittee's proposed vendor for the handling of wood at the subject facility. The Permittee must not change vendor or facility operator unless and until the Permittee (a) submits the information included in the application form "Solid Waste Management Facilities - Corporate Data" as it pertains to the proposed new vendor or operator, and (b) receives the Department's written approval of such change.
22. Daily facility records must include (a) the date and time of all inbound and outbound trucks, (b) the license plate number of all outbound trucks, and (c) the company name or state of registration of all outbound trucks. Such records must be kept on-site for at least seven years.
23. There must be no off-site truck queuing associated with the operation of the subject facility except as described in Appendix C of the Engineering Report cited in Special Condition 16, above.
24. The Permittee must handle all potential Asian Longhorn Beetle host material pursuant to its Compliance Agreement with New York State Department of Agriculture and Markets, originally dated 14 May 1998 and updated as needed.
25. For the life of the Instant permit, the Permittee must maintain the following bond (or its equivalent): the 11 February 2004 Evergreen National Indemnity Company Bond No. 553795 as updated by its 11 February 2010 Rider, and as periodically amended by the Permittee in conformance with Paragraph No. 7 of such bond, and accepted by the Department.
26. Each PSW Building facility gate and door must remain closed except to allow vehicles, equipment, or personnel to enter or exit such gate or door.
27. All PSW must be removed from the subject facility within 48 hours after receipt.

DEC PERMIT NUMBER
2-6101-00026/00001

FACILITY
Waste Management at 485 Scott Ave., Brooklyn 11237 ["BQE"]

Page 4 of 6

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

ADDITIONAL SPECIAL CONDITIONS FOR ARTICLES 27 and 8 NYCRR Part 260 (Solid Waste Management Facilities)

28. Immediately after the discovery that unauthorized waste has been tipped at the facility, such waste shall be secured in one of the unauthorized waste storage areas shown on Sheets 6 or 9 of the Engineering Report cited in Special Condition 16, above. However, if such unauthorized waste is liquid, hazardous, friable asbestos, or otherwise cannot be safely secured in such unauthorized waste storage area, such unauthorized waste shall be secured on the tipping floor. Within 24 hours of the discovery of any unauthorized waste received at the portion of the facility that handles C&D, such waste shall either be removed from the facility or removed from the portion of the facility that handles C&D. Within 72 hours of the discovery of any unauthorized waste received at the facility, such unauthorized waste shall be removed from the subject facility by a properly licensed hauler, which shall transport the unauthorized waste to an appropriately permitted facility.

If the facility operator is unable to have such unauthorized waste so removed by the 72-hour deadline, the facility operator shall, within such 72-hour deadline, fax the Regional Solid and Hazardous Materials Engineer (RSHME) a notice detailing (a) the date and time such unauthorized waste was discovered, (b) where and how such waste is secured, (c) the amount of such waste, (d) the identification of such waste (if known), (e) why such waste cannot be so removed from the facility within the 72-hour deadline, and (f) when and how such waste shall be so removed from the facility.

Except as specified in Special Condition 29, below The Permittee must return no waste to a generator or transporter after such waste has already been tipped at the subject facility.

29. Except for loads of tires not exceeding 500 pounds and loads of white goods not exceeding 500 pounds, all unauthorized waste that has been tipped at the facility shall be managed by the Permittee and not returned to a collection vehicle. Each load of tires or white goods not exceeding 500 pounds may be returned to the same collection vehicle that delivered such load. All unauthorized waste shall be recorded in the Permittee's unauthorized waste log, including such waste returned to a collection vehicle.

30. The Permittee must send unrecycled solid waste only to the solid waste disposal facilities identified in the documents cited in Special Condition 16, above.

Prior to the expiration of any state permit required to operate any such disposal facility, the Permittee must submit to the DEC Engineer, in duplicate, a complete copy of the renewal or extension of such permit. If the Permittee fails to submit such copy, or if, for any reason, any such disposal facility loses any governmental authorization required for its operation (including failure to renew permit, permit suspension, permit revocation, facility closure, cessation of operations, or facility abandonment), the Permittee must immediately cease sending solid waste to such facility, and must notify the DEC Engineer of such cessation and the reason(s) for same.

For each additional disposal facility, to which the Permittee seeks to send unrecycled solid waste, the Permittee must submit the following data to the DEC Engineer: (a) a complete copy of each state authorization required to operate the disposal facility and (b) a letter from the operator of the disposal facility stating the amount of each type of unrecycled solid waste it would accept from the Permittee, and any conditions it places on such acceptance. Each such additional disposal facility must be approved by the DEC Engineer in writing. For each disposal facility, to which the Permittee seeks to stop sending unrecycled solid waste, the Permittee must submit written notification to the DEC Engineer.

DEC PERMIT NUMBER
2-6101-00026/00001

FACILITY
Waste Management at 485 Scott Ave., Brooklyn 11237 ["BQE"]

Page 5 of 6

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

ADDITIONAL SPECIAL CONDITIONS FOR ARTICLES 27 and 28 NYCRR Part 360 (Solid Waste Management Facilities)

In the case of each of the following events: (i) a fatality or injury on-site; (ii) a fire, explosion, or other significant event which affects facility operation; (iii) the activation of the facility's alarm system; or (iv) an unscheduled closure of the subject facility exceeding 24 hours, the Permittee must take the following steps, as appropriate. If the event occurs on a non-holiday weekday, from 9am-4pm, the Permittee must, within one hour following such event, send the Regional Solid Materials Engineer a telephone message (at 718/482-4996) and an e-mail message (pursuant to the Department's instructions delivered to the Permittee prior to the issuance of the instant permit) with the following information: (a) the name and address of the facility where the event occurred; (b) the date, time, and nature of the event; and (c) the name and phone number of a facility staffperson the Department can contact regarding such event. (If the event occurs at a time other than a non-holiday weekday, from 9am-4pm, the Permittee must, within one hour following the event, leave such information in e-mail and voicemail messages for the Regional Solid Materials Engineer pursuant to the Department's instructions delivered to the Permittee prior to the issuance of the instant permit.) Regardless of the time of the event, before noon on the first business day following the event, the Permittee must, in addition, e-mail a statement to the Regional Solid Materials Engineer with the following information: (a) the name and address of the facility where the event occurred, (b) the date, time, and specific location of the event; (c) the circumstances leading up to the event, (d) an adequately detailed description of the subject event; (e) an explanation of how the event was handled; (f) an explanation of the steps that the Permittee shall take to avoid and/or better handle such an event; and (g) the name and phone number of a facility staffperson the Department can contact regarding such event.

32. All future submissions to the Department must be in duplicate; each duplicate must be accompanied by a CD copy of same. Any report (such as an Engineering Report or an Environmental Assessment Statement) must be accompanied by a CD containing a separate, searchable OCR-PDF file of each volume of the report, each large-format drawing, and any cover letter.
33. a. Payment, as required to support the Department's monitoring requirements of the subject facility, must be provided to the Department for the funding of environmental compliance activities related to the operation of the subject facility. Payment is based on annual Environmental Monitor service costs. The Permittee will be billed annually for each fiscal year beginning 1 April 2010. Subsequent annual payments must be made for the duration of this permit in order to maintain an account balance sufficient to meet the next year's anticipated expenses.
- b. The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in facility operating hours and procedures, and the need for additional Environmental Monitors. Upon written request by the Permittee, the Department will provide the Permittee with a written explanation of the basis for any such revision. If such revision is required, the Department will notify the Permittee of such revision no later than 60 days in advance of such revision.
- c. Prior to making its annual payment, the Permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
- d. Payments must be made within 30 days after the Permittee's receipt of a bill from the Department. The Permittee must deliver such payment to: NYS Department of Environmental Conservation, 625 Broadway - 10th floor, Albany, NY 12233-6012, Attention: Revenue Accounting. Payments for this account must be in addition to any other funds previously paid by the Permittee for environmental monitoring services prior to 1 April 2010.
- e. Failure to make a required environmental monitor payment is a violation of this permit. The Department may take appropriate action to enforce the payment provisions, including suspension or revocation of this permit.
- f. Environmental Monitor will, when present at the subject site, abide by all of the Permittee's health and safety and operational requirements and policies; provided, however, that this subparagraph must not be construed as limiting the monitor's powers as otherwise provided for by law and must not result in the monitor's being less protected than the monitor would be if he or she were to abide by state and federal health and safety requirements.
- g. Within 30 days following the issuance of the instant permit, the Permittee must deliver to the DEC Engineer, a current site Health and Safety Plan for the subject facility. Within 10 days after any revision to such Plan, the Permittee must deliver to the DEC Engineer, a copy of such revision.

DEC PERMIT NUMBER
2-6101-00026/00001

FACILITY
Waste Management at 485 Scott Ave., Brooklyn 11237 [BQE]

Page 6 of 8

State of New York
 Department of Agriculture and Markets
 Division of Plant Industry
 4 Stewart Avenue
 Westhampton Beach, NY 11978-1103
 631-288-1751




COMPLIANCE AGREEMENT

1. Name and mailing address of establishment Waste Management of NY, LLC 123 Varick Avenue Brooklyn NY 11237	2. Location(s) All areas in New York State under Asian Longhorned Beetle Quarantine Section 139.2
3. Regulated articles handled All regulated host material 1/4 inch or larger (see attachment D)	
4. Applicable state quarantine(s) or regulation(s) Part 139 of the Agriculture and Markets Law - Control of the Asian Longhorned Beetle.	
5. I/We agree to use all permits and certificates in accordance with the instructions; maintain and offer for inspection such records as may be required; carry out all additional conditions, treatments, precautions and sanitary measures which may be required by the inspector with the following stipulations: (Attachments? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> <ul style="list-style-type: none"> All crew leaders and/or supervisors are required to attend a training session (workshop) on Asian Long Horned Beetle identification inclusive of symptomatic conditions representative of adult and larval activity. Training will be provided by federal/state inspectors. A list of those individuals meeting this criteria will be compiled for purposes of monitoring compliance. All observations of beetle activity within or outside of the quarantined areas will be immediately reported to a state or federal inspector. Calls can be made to 1-800-554-4501 Extension 2087, or our Westhampton Beach Office at 631-288-1751. No action will be taken with respect to the removal, transport and disposal of infested trees within or outside of the quarantined areas until authorized by a federal/state inspector. Host species inspected and showing no evidence of infestation within the quarantined areas may be cut, chipped and transported to an approved location. Larger diameter material may be transported to an area outside of the quarantined area, provided the location is pre-approved by a federal/state inspector and the material is chipped or otherwise disposed of in an approved manner and within a specified time frame as determined by the State. 	

Signature <i>Jay Kaplan</i>	Title <i>Env Manager</i>	Date Signed <i>March 27, 2012</i>
Print <i>Jay Kaplan</i>		

The affixing of the signatures below will validate this agreement which shall remain in effect until expired, canceled, or revoked for noncompliance. The agreement attachment may be revised with the consent of both parties.

Inspector (Name and Title) Frank Buccello, Horticultural Inspector II	Inspector Address 4 Stewart Avenue, Westhampton Beach, NY 11978	
Inspector Signature <i>Frank Buccello</i>	Agreement Number 18B0278	Category D-T
Supervisor (Name and Title) Joan L. Mahoney, Horticultural Inspector III	Resent Date:	
Supervisor Signature <i>Joan L Mahoney</i>	Date of Original Agreement: 3/14/2002	Expiration Date: 2014-03-31
 <p>STATE OF NEW YORK Dept. of Agriculture & Markets</p>	Renewal Date:	

ATTACHMENT A
TO COMPLIANCE AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
Approved Disposal Facility

1. All regulated host materials (attachment D) in branch, log, or stump form originating from within the quarantine areas (appendix B) shall be inspected for any evidence of Asian Longhorned Beetle.
2. All regulated host material found free of evidence of Asian Longhorned Beetle shall be processed within 24 hours of receipt by chipping, grinding, or incineration.
3. Observations or infestations of Asian Longhorned Beetle must be reported *immediately* to the New York State Department of Agriculture and Markets at 1-800-554-4501, Extension 2087.
4. All regulated host material received from within the quarantine areas will be identified by the transporting company using a Statement of Origin and Disposition form (attachment C).
5. All companies disposing of regulated host material will be issued a receipt showing the total weight or volume of the load, and a description of the material.
6. The New York State Department of Agriculture and Markets will be advised immediately if at any time the facility is unable to process regulated host material within 24 hours of receipt.
7. Assist in public and employee awareness through the distribution of fact sheets concerning identification and detection of the Asian Longhorned Beetle.



sanitation

PERMIT AND INSPECTION UNIT

125 Worth Street, Room 723
New York, NY 10013
Telephone (646) 885-5027
Fax (212) 788-3786

Date of Issuance – November 14, 2007

NON-PUTRESCIBLE SOLID WASTE TRANSFER STATION PERMIT

Transfer Station Number: 30

Address: Waste Management of New York, LLC.
75 Thomas Street
Brooklyn, New York 11222

Block # 2799 Lot # 1
Block # 2803 Lot's # 7,14,25

From: 11/7/07 To: 11/6/08

The above referenced location is to be used only for the reception and deposition of non-putrescible solid waste material. Such waste material is to be removed from the transfer station for final disposition within 48 hours. This permit is further subject to the following conditions:

All operations at these premises and the use thereof shall be in conformity with all applicable federal, state and local laws, and the rules and regulations of any governmental agency having jurisdiction over these premises or the use thereof; and in accordance with any statements contained in your application.

- 1) The height of the non-putrescible solid waste pile(s) must not exceed 8 feet;
- 2) A 10-foot opaque fence must enclose the site on all sides of the property;
- 3) The volume of non-putrescible solid waste stored must not exceed 5,000 cubic yards;
- 4) The maximum amount of non-putrescible solid waste throughput that may be processed must not exceed 1500 tons per day;
- 5) A working water supply must be within access of all sections of the pile(s);
- 6) Dust created by the dumping and transferring of non-putrescible solid waste must be kept under control;



- 7) Only non-putrescible solid waste can be dumped at your transfer station site as defined by the Department's rules and regulations;
- 8) A daily record shall be kept showing what non-putrescible solid waste is brought into the site by cubic yards, where it came from, and where it was ultimately disposed of by cubic yards;
- 9) Non-putrescible solid waste may be deposited only in the depository area initially outlined for this purpose on the survey map;
- 10) This permit should be prominently displayed at the transfer station site and available for review by Department inspectors at all times.
- 11) This permit is conditioned upon compliance by the permittee with any and all rules and regulations of the Department of Sanitation in existence on the date of this permit's issuance, and any operating rules amended or promulgated during its term.
- 12) The facility shall comply with all state and local laws and rules governing the installation and maintenance of a system for the sanitary disposal or discharge of sewage, wastewater, leachate, and storm water. All drainage systems shall be kept clean and functioning. Leachate or wash water shall not flow into the streets. The Department or other state or local agency with jurisdiction over the disposal or discharge of sewage, waste water, leachate, or storm water may inspect the facility to ensure compliance with all applicable laws and rules, and may require the installation of control systems as determined necessary by the Department or such agency.
- 13) In issuing this permit, the Department of Sanitation has relied upon the statements, representations and certifications made on behalf of the transfer station operator by its principals, agents, employees or professional consultants in the permit application and in the documents, materials and other information submitted in support of such application (collectively, the "Application"). Any material misrepresentations or material omissions contained in the Application may be deemed grounds for suspension or termination of the permit.

SPECIAL NOTE:

THIS PERMIT IS BASED UPON THE CONDITION THAT THE HOLDER OBTAIN RENEWALS OF ALL REQUIRED PERMITS AND SUBMIT COPIES OF THOSE RENEWED PERMITS TO THE PERMIT & INSPECTION UNIT, DEPARTMENT OF SANITATION. THE DEPARTMENT'S PERMIT SHALL BE SUSPENDED IF THE HOLDER SHALL FAIL TO RENEW ANY AND ALL REQUIRED DOCUMENTS OR NO LONGER POSSESSES AUTHORIZATION FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PERMIT TO OPERATE.


for Bryant Small
Director

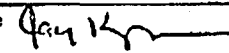
Page 3 of 3

State of New York
Department of Agriculture and Markets
Division of Plant Industry
4 Stewart Avenue
Westhampton Beach, NY 11978-1103
631-288-1751


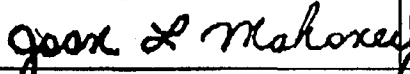



COMPLIANCE AGREEMENT

1. Name and mailing address of establishment Waste Management of NY 485 Scott Avenue Brooklyn, NY 11222	2. Location(s) Working within the areas of the Quarantine (See Appendix B – maps) Section 139.2
3. Regulated articles handled All regulated host material 1/2 inch or larger (see attachment D)	
4. Applicable state quarantine(s) or regulation(s) Part 139 of the Agriculture and Markets Law - Control of the Asian Longhorned Beetle.	
5. I/We agree to use all permits and certificates in accordance with the instructions; maintain and offer for inspection such records as may be required; carry out all additional conditions, treatments, precautions and sanitary measures which may be required by the inspector with the following stipulations: (Attachments? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> <ul style="list-style-type: none"> All crew leaders and/or supervisors are required to attend a training session (workshop) on Asian Long Horned Beetle identification inclusive of symptomatic conditions representative of adult and larval activity. Training will be provided by federal/state inspectors. A list of those individuals meeting this criteria will be compiled for purposes of monitoring compliance. All observations of beetle activity within or outside of the quarantined areas will be immediately reported to a state or federal inspector. Calls can be made to 1-800-554-4501 Extension 2087, or our Westhampton Beach Office at 631-288-1751. No action will be taken with respect to the removal, transport and disposal of infested trees within or outside of the quarantined areas until authorized by a federal/state inspector. <p>Host species inspected and showing no evidence of infestation within the quarantined areas may be cut, chipped and transported to an approved location. Larger diameter material may be transported to an area outside of the quarantined area, provided the location is pre-approved by a federal/state inspector and the material is chipped or otherwise disposed of in an approved manner and within a specified time frame as determined by the State.</p>	

Signature 	Title	Date Signed
Print Jay Kaplan	Environmental Manager	6/6/08

The affixing of the signatures below will validate this agreement which shall remain in effect until expired, canceled, or revoked for noncompliance. The agreement attachment may be revised with the consent of both parties.

Inspector (Name and Title) Frank Buccello, Horticultural Inspector II	Inspector Address 4 Stewart Avenue, Westhampton Beach, NY 11978	
Inspector Signature 	Agreement Number 18B0028	Category A-D
Supervisor (Name and Title) Joan L. Mahoney, Horticultural Inspector III	Resent Date:	
Supervisor Signature 	Date of Original Agreement: 5/14/1998	Expiration Date: 2010-03-31
	STATE OF NEW YORK Dept. of Agriculture & Markets Renewal Date:	

Rev. 2/08

ATTACHMENT A
TO COMPLIANCE AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
Approved Disposal Facility

1. All regulated host materials (attachment D) in branch, log, or stump form originating from within the quarantine areas (appendix B) shall be inspected for any evidence of Asian Longhorned Beetle.
2. All regulated host material found free of evidence of Asian Longhorned Beetle shall be processed within 24 hours of receipt by chipping, grinding, or incineration.
3. Observations or infestations of Asian Longhorned Beetle must be reported *immediately* to the New York State Department of Agriculture and Markets at 1-800-554-4501, Extension 2087.
4. All regulated host material received from within the quarantine areas will be identified by the transporting company using a Statement of Origin and Disposition form (attachment C).
5. All companies disposing of regulated host material will be issued a receipt showing the total weight or volume of the load, and a description of the material.
6. The New York State Department of Agriculture and Markets will be advised *immediately* if at any time the facility is unable to process regulated host material within 24 hours of receipt.
7. Assist in public and employee awareness through the distribution of fact sheets concerning identification and detection of the Asian Longhorned Beetle.

Rev. 2/08

ATTACHMENT B
TO COMPLIANCE AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

**APPROVED DISPOSAL SITES FOR
ASIAN LONGHORNED BEETLE HOST MATERIAL**

Belli Construction

Crooked Hill Road
North Brentwood, NY 11717
(631) 273-3121

Custom Earth Recycling, L.L.C.

45 South 4th Street
Bay Shore, NY 11706
(631) 586-8300 (*Office*)
(631) 586-5430 (*Yard*)

Fresh Kills Compost Site - DSNY

310 West Service Rd.
Staten Island, NY 10314
(near exit 7 of Rt. 440)
*For info on how to dispose of yard waste, contact:
917-237-5992 DSNY Bureau of Waste Disposal*

Great Gardens / L I Compost

445 Horseblock Road
Yaphank, NY 11980
(631) 289-7260 (*Scale House*)

Liotta & Sons

3966 Long Beach Road
Island Park, NY 11558
(516) 432-7085

Northeast Recycling Corp.

Hubbard Sand & Gravel
1612 Fifth Avenue
Bay Shore, NY 11706
(631) 969-0282

Omni Recycle Center

114 Alder Street
West Babylon, NY 11704
(631) 694-1694
Must call before drop-off

Power Crush, Inc.

140 Old Northport Road
Kings Park, NY 11754
(631) 368-4000

Town of Islip Recycle Center

Railroad Avenue
Ronkonkoma, NY 11779
(631) 467-3343

Vigliotti's Great Gardens

100 Urban Avenue
Westbury, NY 11590
(516) 334-2819

Waste Management of New York

485 Scott Avenue
Brooklyn, NY 11222
(718) 533-5300



ENVIRONMENTAL CONTROL BOARD

66 John Street, 10th Floor
New York, NY 10038
Telephone: (212) 361-1400

Mr, Thomas Milora
Director of Permit & Inspections Unit
137 Center Street, Room 104
New York, NY 10004

Dear Mr. Milora:

This letter represents a clearance against the subject respondent.

RESPONDENT NAME:

West agent of N.Y. LLC

D/ B/A:

One Petesville Transfer Inc. N.Y.

ADDRESS:

75 Thomas Street

Brooklyn N.Y. 11237
CITY STATE ZIP CODE

PERMIT / L.I.C #

16 (NEW / RENEWAL)

Our records show that there are no outstanding violation / fines from this individual as of this date.

Approved By:

Date:

02/06/02

Prepared By:

Nicholas Brito



ENVIRONMENTAL CONTROL BOARD

66 John Street, 10th Floor
New York, NY 10038
Telephone: (212) 361-1400

Mr. Bryant Small
Department of Sanitation
Permit & Inspections Unit
125 Worth Street
Room 723
New York, NY 10013

Dear Mr. Small:

This letter represents a clearance against the subject respondent.

RESPONDENT NAME: WASTE MANAGEMENT OF N.Y., LLC

D/B/A: _____

ADDRESS: 75 THOMAS STREET

<u>BROOKLYN</u>	<u>NY</u>	<u>11237</u>
CITY	STATE	ZIP CODE

PERMIT/L.I.C.# 0000016 (NEW/RENEWAL)

Our records show that there are no outstanding violation/fines for this individual as of this date.

Approved By: *Eric Gluck*

Date: June 16, 2003

Prepared By: *W. Winter*



ENVIRONMENTAL CONTROL BOARD

66 John Street, 10th Floor
New York, NY 10038
Telephone: (212) 361-1400

File -
F3P8
ECE

Mr. Bryant Small
Department of Sanitation
Permit & Inspections Unit
125 Worth Street
Room 723
New York, NY 10013

Dear Mr. Small:

This letter represents a clearance against the subject respondent.

RESPONDENT NAME: WASTE MANAGEMENT OF NY, LLC

D/B/A: _____

ADDRESS: _____

75 THOMAS STREET

BROOKLYN NY 11222
CITY STATE ZIP CODE

PERMIT/L.I.C.# #16AND#30 (NEW/RENEWAL)

Our records show that there are no outstanding violation/fines for this individual as of this date.

Approved By: [Signature]

Date: 1-24-03

Prepared By: [Signature]

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 1st day of March, nineteen hundred and ninety-six
BETWEEN

Allied Sanitation, Inc., a New York corporation,
having an address at 123 Varick Avenue, Brooklyn,
New York 11237

party of the first part, and

New York Acquisition Sub, Inc., a Delaware corporation,
having an address at 3003 Butterfield Road, Oak
Brook, Illinois 60521

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See Exhibit A annexed hereto

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Allied Sanitation, Inc.

By:

Name:

Title:

REEL 3668 PG 0376

STATE OF NEW YORK, COUNTY OF


STATE OF NEW YORK, COUNTY OF

On the 1st day of March, 1996, before me personally came *John Hopman*

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

John Hopman

 JOHN HOPMAN
 Notary Public, State of New York
 No. 01H05049906
 Qualified in New York County
 Commission Expires Oct. 30, 1997

STATE OF NEW YORK, COUNTY OF New York

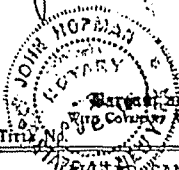
STATE OF NEW YORK, COUNTY OF

On the 1st day of March, 1996, before me personally came *John Hopman*, who, being by me duly sworn, did depose and say that he resides at No. 123 Varick Ave.

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he is the Vice President of *Allied Sanitation, Inc.*, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

John Hopman

 JOHN HOPMAN
 Notary Public, State of New York
 No. 01H05049906
 Qualified in New York County
 Commission Expires Oct. 30, 1997
 Margaret and Dale Webb
 Trust Agreement Against Grantor's Acts
 Title No. 2798
 ALLIED SANITATION, INC.

SECTION
 BLOCK Block 2968, Lots 1 & 20;
 LOT Block 2798, Lots 1 & 30; Block 2798, Lot 1; Block 2802, Lot 10
 COUNTY OR TOWN Kings

TO

NEW YORK ACQUISITION SUB, INC.

RETURN BY MAIL TO:

Steven Alden, Esq.
 Debevoise & Plimpton
 875 Third Avenue
 New York, New York 10022
 Zip No. 10022

Reserve this space for use of Recording Office.

PARCEL I

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the center line of Meserole Street with the westerly side of Varick Avenue;

THENCE westerly along the center line of Meserole Street, 671 feet to the easterly side of English Kills;

THENCE northerly along the easterly side of English Kills, 230 feet to the southerly side of Scholes Street;

THENCE easterly along the southerly side of Scholes Street, 336 feet;

THENCE southerly parallel with Varick Avenue, 100 feet;

THENCE easterly parallel with Meserole Street, 335 feet to the westerly side of Varick Avenue;

THENCE southerly along the westerly side of Varick Avenue, 130 feet to the corner, the point or place of BEGINNING.

PARCEL II

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the a point on the westerly side of Varick Avenue 60 feet wide, distant 290 feet southerly from the corner formed by the intersection of the westerly side of Varick Avenue and the center line of Stagg Street;

THENCE westerly at right angles to Varick Avenue and along the southerly side of Scholes Street, 335 feet;

THENCE southerly parallel with Varick Avenue, 100 feet;

THENCE easterly at right angles to Varick Avenue, 335 feet to the westerly side of Varick Avenue; and

THENCE northerly along the westerly side of Varick Avenue, 100 feet to the point or place of BEGINNING.

PARCEL A: BLOCK 2798 PART OF LOT 1 (COVERS EASTERLY 100 FEET)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point easterly as measured along the northerly side of Townsend Street, one hundred (100) feet from the point formed by the intersection of the easterly side of Gardner Avenue, with the northerly side of Townsend Street;

THENCE northerly and parallel with Gardner Avenue, one hundred (100) feet;

THENCE easterly and parallel with Townsend Street, one hundred (100) feet;

THENCE southerly and parallel with Gardner Avenue, one hundred (100) feet to the northerly side of Townsend Street;

THENCE westerly along the northerly side of Townsend Street, one hundred (100) feet to the point or place of BEGINNING.

PARCEL B1 BLOCK 2802 LOT 10

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Thomas Street, distant 100 feet easterly from the corner formed by the intersection of the northerly side of Thomas Street and the easterly side of Gardner Avenue;

RUNNING THENCE northerly parallel with Gardner Avenue, 200 feet to the southerly side of Townsend Street:

THENCE easterly along the southerly side of Townsend Street, 25 feet;

THENCE southerly parallel with Gardner Avenue, 200 feet to the northerly side of Thomas Street;

THENCE westerly along the northerly side of Thomas Street, 25 feet to the point or place of BEGINNING.

PARCEL A: (BLOCK 2799 LOT 1)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings and State of New York bounded and described as follows:

BEGINNING at a point where the centre line of Townsend Street intersects the centre line of Scott Avenue, as said Street and Avenue is laid down on the Commissioners Map of the late Town of Bushwick;

RUNNING THENCE northerly along the Centre line of Scott Avenue 233 feet more or less to the southerly side of Newtown Creek;

THENCE southeasterly along the southerly side of Newtown Creek to the centre line of Townsend Street;

THENCE southwesterly along the centre line of Townsend Street 247 feet more or less to the centre line of Scott Avenue, the point or place of BEGINNING.

TOGETHER with all the right, title and interest of the party of the first part to the water rights in front of said premises, ALSO

ALL that certain land under water of Newtown Creek in front of and adjoining above described upland which land under water is described as follows:

BEGINNING at a point where the original high water line of Newtown Creek is intersected by the centre line of Scott Avenue;

RUNNING THENCE on said high-water line being a curved line to the centre line of Townsend Street;

THENCE North 77 degrees 30 minutes East 64 feet to the exterior bulkhead and pier line of Newtown Creek established by the Commissioners appointed in pursuance of Chapter 253 of the Laws of 1869;

Continued...

A-V

PARCEL A: - CONTINUED (BLOCK 2799 LOT 1)

THENCE northerly along said bulkhead and pier line being a curved line in a northwesterly direction 408 feet to a point where said line would be intersected by the centre line of Scott Avenue if extended;

THENCE South 12 degrees 30 minutes East 22 feet to BEGINNING.

EXCEPTING therefrom so much of said premises as was included in Damage Map dated December 2, 1937 of Meeker Avenue Bridge over Newtown Creek, if same affects the foregoing premises.

A-VI

FEB 29 '96 13:59

PAGE.03

PARCEL B: (BLOCK 2798 LOT 30)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Townsend Street, distant 200 feet easterly from the corner formed by the intersection of the northerly side of Townsend Street and the easterly side of Gardner Avenue;

THENCE Northerly parallel with the easterly side of Gardner Avenue, 341 feet 5 inches to the southerly side of Newtown Creek;

THENCE Southeasterly along the southerly side of Newtown Creek, 233 feet 10-1/2 inches to the westerly side of Scott Avenue;

THENCE Southerly along the westerly side of Scott Avenue, 221 feet 2 inches to the northerly side of Townsend Street;

THENCE Westerly along the northerly side of Townsend Street, 200 feet to the point or place of BEGINNING.

CITY REGISTER RECORDING AND ENDORSEMENT PAGE

- KINGS COUNTY -

(This page forms part of the instrument)

Block(s)	2968	2798	2799	2802
Lot(s)	1,20	1,30	1	10
137-157 Varick Ave, 1562 Gard ner Ave, 65-69 Townsend St, Scott Ave, 495 Scott Ave				

Record & Return to: DEBEVOISE & PLIMPTON
875 THIRD AVENUE
NEW YORK, NY 10022
ATTN: STEVEN M. ALDEN, Esq.

Title/Agent Company name: FIRST AMERICAN TITLE COMPANY

Title Company number: 185 N Y N Y 1642/KX-4,5,6

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

Examined by (s): _____

Mtgs Tax Serial No. _____

Mtgs Amount \$ _____

Taxable Amount \$ _____

Exemption (✓) YES ☐ NO ☐

Type: [SEE] [253] [OTHER] _____

Dwelling Type: [1w2] [3] [4w6] [OTHER] _____

TAX RECEIVED ON ABOVE MORTGAGE ▼

County (basic) \$ _____

City (Addtl) \$ _____

Spec Addtl \$ _____

TASF \$ _____

MTA \$ _____

NYCTA \$ _____

TOTAL TAX \$ _____

Apportionment Mortgage (✓) YES ☐ NO ☐

03-07-96
Joy A. Bobrow, City Register

City Register Serial Number 12633

Indexed By (s): _____

Verified By (s): _____

Block(s) and Lot(s) verified by (s): 99

Address ☒ Tax Map ☒

Extra Block(s) _____ Lot(s) _____

Recording Fee \$ 76

Affidavit Fee (C) \$ _____

TP-584/582 Fee (Y) \$ ✓ 2

RPTT Fee (R) \$ ✓ 1.5

HPD-A ☐ HPD-C ☐

New York State Real Estate Transfer Tax ▼

\$ 11,240

Serial Number 011542

New York City Real Property Transfer Tax

Serial Number 03896

New York State

Gains Tax

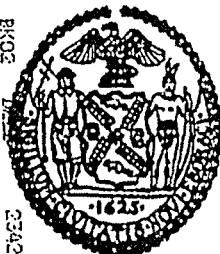
Serial Number _____

03-07-96

FILED

204268

PAID DEED 576.00



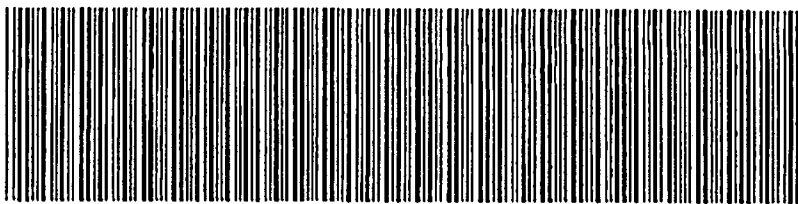
RECORDED IN KINGS COUNTY
OFFICE OF THE CITY REGISTER

Witness My Hand and Official Seal

001 D08308F003

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2010092200244001002E5048

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 11

Document ID: 2010092200244001

Document Date: 09-01-2010

Preparation Date: 09-29-2010

Document Type: DEED

Document Page Count: 9

PRESENTER:

VINTAGE ABSTRACT CORP (PICK UP GAIL)
2124 FLATBUSH AVENUE
VR16166K
BROOKLYN, NY 11234
718-377-0200
recordings@vintageabstract.com

RETURN TO:

VINTAGE ABSTRACT CORP (PICK UP GAIL)
2124 FLATBUSH AVENUE
VR16166K
BROOKLYN, NY 11234
718-377-0200
recordings@vintageabstract.com

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2798	1	Entire Lot	562 GARDNER AVENUE

Property Type: NON-RESIDENTIAL VACANT LAND

Borough	Block	Lot	Unit	Address
BROOKLYN	2802	1	Entire Lot	548 GARDNER AVENUE

Property Type: NON-RESIDENTIAL VACANT LAND

x Additional Properties on Continuation Page

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

WASTE MANAGEMENT OF NEW JERSEY INC
720 EAST BUTTERFIELD RD
LOMBARD, IL 60148

GRANTEE/BUYER:

WASTE MANAGEMENT OF NEW YORK LLC
720 EAST BUTTERFIELD ROAD
LOMBARD, IL 60148

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 250.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	
Exemption:			\$ 0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$ 0.00		\$ 0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ 108.00		
Affidavit Fee:	\$ 0.00		



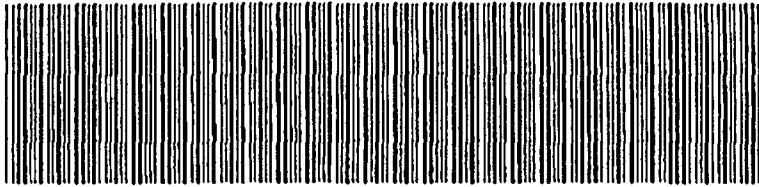
**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 09-30-2010 15:22
City Register File No.(CRFN):
2010000329730

Annette M. Hill

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2010092200244001002C52C8

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 11

Document ID: 2010092200244001

Document Date: 09-01-2010

Preparation Date: 09-29-2010

Document Type: DEED

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2802	10	Entire Lot	46 TOWNSEND STREET
Property Type: COMMERCIAL REAL ESTATE				
Borough	Block	Lot	Unit	Address
BROOKLYN	2799	1	Entire Lot	494 SCOTT AVENUE
Property Type: NON-RESIDENTIAL VACANT LAND				
Borough	Block	Lot	Unit	Address
BROOKLYN	2798	30	Entire Lot	497 SCOTT AVENUE
Property Type: COMMERCIAL REAL ESTATE				
Borough	Block	Lot	Unit	Address
BROOKLYN	2802	11	Entire Lot	58 TOWNSEND STREET
Property Type: NON-RESIDENTIAL VACANT LAND				
Borough	Block	Lot	Unit	Address
BROOKLYN	2802	14	Entire Lot	60 TOWNSEND STREET
Property Type: COMMERCIAL REAL ESTATE				
Borough	Block	Lot	Unit	Address
BROOKLYN	2803	7	Entire Lot	N/A TOWNSEND STREET
Property Type: NON-RESIDENTIAL VACANT LAND				
Borough	Block	Lot	Unit	Address
BROOKLYN	2803	14	Entire Lot	N/A THOMAS STREET
Property Type: NON-RESIDENTIAL VACANT LAND				
Borough	Block	Lot	Unit	Address
BROOKLYN	2803	25	Entire Lot	121 THOMAS STREET
Property Type: COMMERCIAL REAL ESTATE				
Borough	Block	Lot	Unit	Address
BROOKLYN	2808	25	Entire Lot	473 SCOTT AVENUE
Property Type: COMMERCIAL REAL ESTATE				

QUIT CLAIM DEED

THIS INDENTURE, Made the First day of September, Two Thousand and Ten,

between WASTE MANAGEMENT OF NEW JERSEY, INC, a Delaware corporation,
as successor through merger to WM of New York, Inc. formerly known as New
York Acquisition Sub, Inc.,
720 East Butterfield Road
Lombard, Illinois 60148

Party of the First Part,

and

WASTE MANAGEMENT OF NEW YORK, L.L.C.,
Delaware Limited Liability Company
720 East Butterfield Road
Lombard, Illinois 60148

Party of the Second Part,

WITNESSETH, that the Party of the First Part, In consideration of ONE and NO/100 (\$1.00)
DOLLAR, lawful money of the United States, and other good and valuable consideration paid by
the Party of the Second Part, does hereby quit claim and release unto the Party of the Second
Part, its successors and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, with the buildings and improvements
thereon situate, lying and being in the Borough of Brooklyn, County of Kings, City
and State of New York, more particularly bounded and described on the attached
Exhibit A.

COMMON ADDRESS
BLOCK/LOT:

- West 100' of Lot 1-Gardner Avenue, Brooklyn, NY - BBL 2798/1
- Lot 1-Gardner Avenue, Brooklyn, NY - BBL 2802/1
- East 100' of Lot 1, 562 Gardner Avenue, Brooklyn, NY - BBL 2798/1
- 46 Townsend Street, Brooklyn, NY - BBL 2802/10
- 494 Scott Avenue, Brooklyn, NY - BBL 2799/1
- 497 Scott Avenue, Brooklyn, NY - BBL 2798/30
- 58 Townsend Street, Brooklyn, NY - BBL 2802/11
- 60 Townsend Street, Brooklyn, NY - BBL 2802/14
- Vacant & 121 Thomas Street, Brooklyn, NY - BBL 2803/7
- Vacant, Thomas Street, Brooklyn, NY - BBLs 2803/14 & 25
- 473-5 Scott Avenue, Brooklyn, NY - BBL 2808/25

SUBJECT TO: General real estate taxes and special assessments; covenants,
conditions, easements and restrictions of record, if any.

**THE INTENTION BEING to convey the same premises conveyed to New York Acquisition Sub, Inc., a
Delaware corporation, by three (3) Bargain and Sale Deed(s) with Covenant Against Grant's Acts
dated March 1, 1996, and recorded in the Office of the City Register of Kings County on March 7,
1996, in Reel 3668 at Page 0238, Reel 3668 at Page 0375, and at Reel 3668 at Page 0399. New York
Acquisition Sub, Inc. changed its name to WM of New York, Inc. on March 21, 1996, and became
Waste Management of New Jersey, Inc. by merger on January 30, 1998. Waste Management of New
Jersey, Inc. is the sole member of Waste Management of New York, L.L.C.**

RECITAL: This Deed is given to evidence the contribution of this property pursuant to resolution of the Board of Directors of WM of New York, Inc. (formerly known as New York Acquisition Sub, Inc.) dated January 29, 1998, (copy of which is attached hereto for reference as Exhibit B) wherein WM of New York, Inc. transferred all of its assets to Waste Management of New York, L.L.C. prior to the merger of WM of New York, Inc. into Waste Management of New Jersey, Inc.

Together with the appurtenances and all the estate and rights of the party of the First Part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Party of the Second Part, its successors and assigns, forever; said Party of the First Part hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it; and that the Party of the First Part will warrant and defend the title to said premises unto said Party of the Second Part and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under the Party of the First Part but none other.

IN WITNESS WHEREOF, the Party of the First Part has caused these presents to be executed under its seal, pursuant to due authority, on the day and year first above written.

IN THE PRESENCE OF:

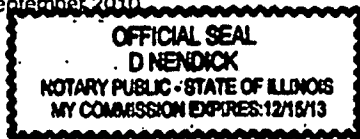
Mary M Clark
MARY M. CLARK
Patricia R. Vonesh
PATRICIA R. VONESH

WASTE MANAGEMENT OF
NEW JERSEY, INC., a Delaware corporation
Brendan Sheehan
Brendan Sheehan
Director of Real Estate

STATE OF ILLINOIS)
) SS:
COUNTY OF WILL)

On this 1st day of September, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared to be personally known, who being by me duly sworn, did say that he is Director of Real Estate of Waste Management of New Jersey, Inc., a Delaware corporation, in the foregoing Quit Claim Deed, and that said deed was signed and sealed in behalf of said Corporation by authority of the Sole Director of said Waste Management of New Jersey, Inc., and Brendan Sheehan acknowledged said deed to be the free and voluntary act of said Corporation.

Witness my hand and notary seal, subscribed and affixed in said County and State, this 1st day of September 2010.



SEAL Deborah L. Nendick
DEBORAH L. NENDICK, Notary Public
Commission Expires: December 15, 2013

PREPARED BY, and
AFTER RECORDING, MAIL TO:
Deborah Nendick, Senior Manager
Real Estate Department
WASTE MANAGEMENT, INC.
720 East Butterfield Road
Lombard, IL 60148

EXHIBIT A
Legal Descriptions

BLOCK 2802 LOT 1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Thomas Street and the easterly side of Gardner Avenue;

RUNNING THENCE easterly along the northerly side of Thomas Street, 100 feet;

THENCE northerly parallel with Gardner Avenue, 200 feet to the southerly side of Townsend Street;

THENCE westerly along the southerly side of Townsend Street, 100 feet to the corner formed by the intersection of the southerly side of Townsend Street and the easterly side of Gardner Avenue;

THENCE southerly along the easterly side of Gardner Avenue, 200 feet to the corner, the point or place of BEGINNING.

PART OF LOT 1 IN BLOCK 2798 (WESTERLY 100 FEET)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the point formed by the intersection of the easterly side of Gardner Avenue, with the northerly side of Townsend Street;

RUNNING THENCE easterly along the northerly side of Townsend Street, one hundred (100) feet;

THENCE northerly parallel with Gardner Avenue, one hundred (100) feet;

THENCE westerly parallel with Townsend Street, one hundred (100) feet to the easterly side of Gardner Avenue;

THENCE southerly along the easterly side of Gardner Avenue, one hundred (100) feet to the point or place of BEGINNING.

BLOCK 2798 PART OF LOT 1 (COVERS EASTERLY 100 FEET)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point easterly as measured along the northerly side of Townsend Street, one hundred (100) feet from the point formed by the intersection of the easterly side of Gardner Avenue, with the northerly side of Townsend Street;

THENCE northerly and parallel with Gardner Avenue, one hundred (100) feet;

THENCE easterly and parallel with Townsend Street, one hundred (100) feet;

THENCE southerly and parallel with Gardner Avenue, one hundred (100) feet to the northerly side of Townsend Street;

THENCE westerly along the northerly side of Townsend Street, one hundred (100) feet to the point or place of BEGINNING.

BLOCK 2802 LOT 10

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Thomas Street, distant 100 feet easterly from the corner formed by the intersection of the northerly side of Thomas Street and the easterly side of Gardner Avenue;

RUNNING THENCE northerly parallel with Gardner Avenue, 200 feet to the southerly side of Townsend Street;

THENCE easterly along the southerly side of Townsend Street, 25 feet;

THENCE southerly parallel with Gardner Avenue, 200 feet to the northerly side of Thomas Street;

THENCE westerly along the northerly side of Thomas Street, 25 feet to the point or place of BEGINNING.

BLOCK 2799 LOT 1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings and State of New York bounded and described as follows:

BEGINNING at a point where the centre line of Townsend Street intersects the centre line of Scott Avenue, as said Street and Avenue is laid down on the Commissioners Map of the late Town of Bushwick;

RUNNING THENCE northerly along the Centre line of Scott Avenue 233 feet more or less to the southerly side of Newtown Creek;

THENCE southeasterly along the southerly side of Newtown Creek to the centre line of Townsend Street;

THENCE southwesterly along the centre line of Townsend Street 247 feet more or less to the centre line of Scott Avenue, the point or place of BEGINNING.

TOGETHER with all the right, title and interest of the party of the first part to the water rights in front of said premises, ALSO

ALL that certain land under water of Newtown Creek in front of and adjoining above described upland which land under water is described as follows:

BEGINNING at a point where the original high water line of Newtown Creek is intersected by the centre line of Scott Avenue;

RUNNING THENCE on said high-water line being a curved line to the centre line of Townsend Street;

THENCE North 77 degrees 30 minutes East 64 feet to the exterior bulkhead and pier line of Newtown Creek established by the Commissioners appointed in pursuance of Chapter 253 of the Laws of 1869;

THENCE northerly along said bulkhead and pier line being a curved line in a northwesterly direction 408 feet to a point where said line would be intersected by the centre line of Scott Avenue if extended;

THENCE South 12 degrees 30 minutes East 22 feet to BEGINNING.

EXCEPTING therefrom so much of said premises as was included in Damage Map dated December 2, 1937 of Meeker Avenue Bridge over Newtown Creek, if same affects the foregoing premises.

BLOCK 2798 LOT 30

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Townsend Street, distant 200 feet easterly from the corner formed by the intersection of the northerly side of Townsend Street and the easterly side of Gardner Avenue;

THENCE Northerly parallel with the easterly side of Gardner Avenue, 341 feet 5 inches to the southerly side of Newtown Creek;

THENCE Southeasterly along the southerly side of Newtown Creek, 233 feet 10½ inches to the westerly side of Scott Avenue;

THENCE Southerly along the westerly side of Scott Avenue, 221 feet 2 inches to the northerly side of Townsend Street;

THENCE Westerly along the northerly side of Townsend Street, 200 feet to the point or place of BEGINNING.

BLOCK 2802 LOTS 11 AND 14

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Townsend Street with the westerly side of Scott Avenue;

RUNNING THENCE westerly along the southerly side of Townsend Street, 275 feet;

THENCE southerly parallel with Scott Avenue 200 feet to the northerly side of Thomas Street;

THENCE easterly along the northerly side of Thomas Street 103.18 feet to the northwesterly side of the land acquired by the City of New York for the Meeker Avenue Bridge;

(BLOCK 2802 LOTS 11 AND 14 – CONTINUED)

THENCE northeasterly and along the northwesterly side of land acquired by the City of New York 192.70 feet to the westerly side of Scott Avenue at a point therein distant 112.76 feet southerly from the southerly side of Townsend Street;

THENCE northerly along the westerly side of Scott Avenue 112.76 feet to the southerly side of Townsend Street at the point or place of **BEGINNING**.

BLOCK 2803 LOT 7

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Townsend Street with the easterly side of Scott Avenue;

RUNNING THENCE easterly along the southerly side of Townsend Street 143.759 feet to the northwesterly side of the land acquired by the City of New York for the Meeker Avenue Bridge;

THENCE southwesterly and along the northwesterly side of the land acquired by the City of New York 164.351 feet to the easterly side of Scott Avenue at a point therein distant 79.656 feet southerly from the southerly side of Townsend Street;

THENCE northerly along the easterly side of Scott Avenue 79.656 feet to the southerly side of Townsend Street at the point or place of **BEGINNING**.

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Thomas Street, distant 50.732 feet easterly from the westerly side of Scott Avenue, said point being where the southeasterly line of land acquired by the City of New York for the Meeker Avenue Bridge intersects the northerly side of Thomas Street;

RUNNING THENCE northeasterly and along the southeasterly side of the land acquired by the City of New York 287.781 feet to the United States Pierhead and Bulkhead Line approved by the Secretary of War November 20, 1940;

(BLOCK 2803 LOT 7 – CONTINUED)

THENCE southerly and along the United States Pierhead and Bulkhead Line, 39.496 feet to an angle point therein;

THENCE southerly still along the said United States Pierhead and Bulkhead Line 111.471 feet to the northerly side of Thomas Street;

THENCE westerly and along the northerly side of Thomas Street, 309.268 feet to the point of place of BEGINNING.

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the southwesterly corner of Scott Avenue and Thomas Street;

RUNNING THENCE southerly along the westerly line of Scott Avenue, 100 feet to the center line of the block lying between Thomas Street and Cherry Street;

THENCE westerly along said center line, 200 feet, more or less, to the land of the City of New York, used for Meeker Avenue Bridge Approach;

THENCE northerly 223 feet 7-5/8 inches, more or less, along land of the City of New York, used for Meeker Avenue Bridge Approach improvement to the point or place of BEGINNING.

WM OF NEW YORK, INC.

CERTIFICATE OF THE ASSISTANT SECRETARY

I, Jeffrey C. Everett, the duly elected Assistant Secretary of WM of New York, Inc., a Delaware corporation (the "Corporation"), hereby certify that the following is a true and complete copy of a resolution of the Board of Directors of the Corporation duly adopted by unanimous written consent, which resolution has not been modified, amended or rescinded and is in full force and effect.

RESOLVED, that subject to such approval by the stockholder of the Corporation, all assets, properties and rights of the Corporation be and hereby are contributed to the capital of Waste Management of New York, L.L.C., a Delaware limited liability company, and that Waste Management of New York, L.L.C. hereby assumes all of the liabilities of the Corporation.

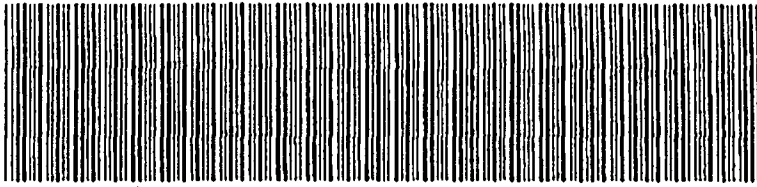
Dated: January 29, 1998

WM OF NEW YORK, INC.



Jeffrey C. Everett
Assistant Secretary

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2010092200244001

Document Date: 09-01-2010

Preparation Date: 09-29-2010

Document Type: DEED

ASSOCIATED TAX FORM ID: 2010090900155

SUPPORTING DOCUMENTS SUBMITTED:

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING
RP - 5217 REAL PROPERTY TRANSFER REPORT
SMOKE DETECTOR AFFIDAVIT

Page Count

2
3
2

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 Month Day Year
 C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

PROPERTY INFORMATION

1. Property Location 562 GARDNER AVENUE BROOKLYN 11222
 STREET NUMBER STREET NAME BOROUGH ZIP CODE
 2. Buyer Name WASTE MANAGEMENT OF NEW YORK LLC
 LAST NAME / COMPANY FIRST NAME
 LAST NAME / COMPANY FIRST NAME
 3. Tax Billing Address
 Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form) LAST NAME / COMPANY FIRST NAME
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE
 4. Indicate the number of Assessment Roll parcels transferred on the deed 1 / 1 # of Parcels OR ☒ Part of a Parcel
 5. Deed Property Size X OR ACRES
 FRONT FEET DEPTH
 6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐
 8. Seller Name WASTE MANAGEMENT OF NEW JERSEY INC
 LAST NAME / COMPANY FIRST NAME
 LAST NAME / COMPANY FIRST NAME
 9. Check the box below which most accurately describes the use of the property at the time of sale:
 A ☐ One Family Residential C ☐ Residential Vacant Land E ☐ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☒ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 9 / 1 / 2010
 Month Day Year
 11. Date of Sale / Transfer 9 / 1 / 2010
 Month Day Year
 12. Full Sale Price \$ 0
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.
 13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives
 B ☒ Sale Between Related Companies or Partners in Business
 C ☐ One of the Buyers is also a Seller
 D ☐ Buyer or Seller is Government Agency or Lending Institution
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates
 H ☐ Sale of Business is Included in Sale Price
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
 J ☐ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class F 2 16. Total Assessed Value (of all parcels in transfer) 3 7 2 9 8 0 7
 17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))
BROOKLYN 2798 1 BROOKLYN 2802 1 BROOKLYN 2802 10

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER
 WASTE MANAGEMENT OF NEW YORK, LLC
Joseph S. Fischer 9/3/2010
 JOSEPH S. FISCHER, Authorized Representative

720 E. Butterfield Road
 STREET NUMBER STREET NAME (AFTER SALE)

Lombard, IL 60148
 CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY
 LAURITA ALAN
 LAST NAME FIRST NAME

716 200-5050
 AREA CODE TELEPHONE NUMBER

SELLER
 WASTE MANAGEMENT OF NEW JERSEY, INC.
Joseph S. Fischer 9/3/2010
 JOSEPH S. FISCHER, Authorized Representative

2010090900155201

NC04745

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

WASTE MANAGEMENT OF NEW YORK, LLC		BUYER		BUYER'S ATTORNEY	
<i>Joseph S. Fischer</i>		9/3/2010		LAURITA ALAN	
JOSEPH S. FISCHER, Authorized Representative		LAST NAME		FIRST NAME	
720 East Butterfield Road		716		200-5050	
STREET NUMBER		STREET NAME (AFTER SALE)		TELEPHONE NUMBER	
Lombard		IL		60148	
CITY OR TOWN		STATE		ZIP CODE	
		AREA CODE		TELEPHONE NUMBER	
		SELLER		WASTE MANAGEMENT OF NEW JERSEY, INC.	
		<i>Joseph S. Fischer</i>		9/3/2010	
		JOSEPH S. FISCHER, Authorized Representative			

2010090900155201

NC04746

RP - 5217 NYC

ATTACHMENT

Borough	Block	Lot
BROOKLYN	2799	1
BROOKLYN	2798	30
BROOKLYN	2802	11
BROOKLYN	2802	14
BROOKLYN	2803	7
BROOKLYN	2803	14
BROOKLYN	2803	25
BROOKLYN	2808	25

201009090015520101

NC04747

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 Month Day Year
 C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

PROPERTY INFORMATION

1. Property Location 562 GARDNER AVENUE BROOKLYN 11222
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name WASTE MANAGEMENT OF NEW YORK LLC
 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address
 Address LAST NAME / COMPANY FIRST NAME
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 / 1 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size X OR ACRES
 FRONT FEET DEPTH

6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐

8. Seller Name WASTE MANAGEMENT OF NEW JERSEY INC
 LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential C ☐ Residential Vacant Land E ☐ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☒ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 9 / 1 / 2010
 Month Day Year

11. Date of Sale / Transfer 9 / 1 / 2010
 Month Day Year

12. Full Sale Price \$ 0
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer.

A ☐ Sale Between Relatives or Former Relatives
 B ☒ Sale Between Related Companies or Partners in Business
 C ☐ One of the Buyers is also a Seller
 D ☐ Buyer or Seller is Government Agency or Lending Institution
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates
 H ☐ Sale of Business is Included in Sale Price
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
 J ☐ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class F 2 16. Total Assessed Value (of all parcels in transfer) 3 7 2 9 8 0 7

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))
BROOKLYN 2798 1 BROOKLYN 2802 1 BROOKLYN 2802 10

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

BUYER SIGNATURE DATE

STREET NUMBER STREET NAME (AFTER SALE)

CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY

LAST NAME FIRST NAME

716 200-5050
 AREA CODE TELEPHONE NUMBER

SELLER SIGNATURE DATE

2010090900155201

NC04748

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER**BUYER'S ATTORNEY**

BUYER SIGNATURE		DATE		LAST NAME		FIRST NAME	
				716		200-5050	
STREET NUMBER		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
						SELLER	
CITY OR TOWN		STATE		ZIP CODE		SELLER SIGNATURE	
						DATE	

2010090900155201

NC04749

RP - 5217 NYC

ATTACHMENT

Borough	Block	Lot
BROOKLYN	2799	1
BROOKLYN	2798	30
BROOKLYN	2802	11
BROOKLYN	2802	14
BROOKLYN	2803	7
BROOKLYN	2803	14
BROOKLYN	2803	25
BROOKLYN	2808	25

201009090015520102

NC04750

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York)
) SS.:
County of)

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

562 GARDNER AVENUE

Street Address		Unit/Apt.	
BROOKLYN	New York, 2798	1	(the "Premises");
Borough	Block	Lot	

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

Name of Grantor (Type or Print)	Name of Grantee (Type or Print)
Signature of Grantor	Signature of Grantee
Sworn to before me this _____ date of _____ 19 _____	Sworn to before me this _____ date of _____ 19 _____

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES

**Applicable properties compliant with the
Smoke Detector requirement**

Street Address	Unit/Apt	Borough	Block	Lot
548 GARDNER AVENUE		BROOKLYN	2802	1
46 TOWNSEND STREET		BROOKLYN	2802	10
494 SCOTT AVENUE		BROOKLYN	2799	1
497 SCOTT AVENUE		BROOKLYN	2798	30
58 TOWNSEND STREET		BROOKLYN	2802	11
60 TOWNSEND STREET		BROOKLYN	2802	14
N/A TOWNSEND STREET		BROOKLYN	2803	7
N/A THOMAS STREET		BROOKLYN	2803	14
121 THOMAS STREET		BROOKLYN	2803	25
473 SCOTT AVENUE		BROOKLYN	2808	25

2010090900155101

NC04752

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

ILLINOIS
State of ~~New York~~)
) SS.:
County of WILL)

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

562 GARDNER AVENUE

Street Address
BROOKLYN New York, **2798** **1** (the "Premises");
Borough Block Lot

That the Premises is a ~~one or two family dwelling~~ ~~cooperative apartment or condominium unit in a one or two family dwelling~~ and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices is not required;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

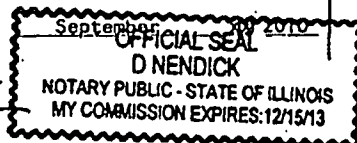
WASTE MANAGEMENT OF NEW JERSEY, INC.

Name of Grantor (Type or Print)

Signature of Grantor
JACK S. PARKER, Authorized Representative

Sworn to before me
this 14th day of September, 2010

SEAL
D. Nendick



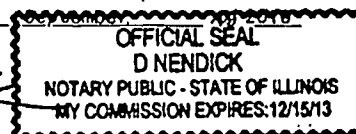
WASTE MANAGEMENT OF NEW YORK, L.L.C.

Name of Grantee (Type or Print)

Signature of Grantee
JACK S. PARKER, Authorized Representative

Sworn to before me
this 14th day of September, 2010

SEAL
D. Nendick



These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES

**Applicable properties compliant with the
Smoke Detector requirement**

Street Address	Unit/Apt	Borough	Block	Lot
548 GARDNER AVENUE		BROOKLYN	2802	1
46 TOWNSEND STREET		BROOKLYN	2802	10
494 SCOTT AVENUE		BROOKLYN	2799	1
497 SCOTT AVENUE		BROOKLYN	2798	30
58 TOWNSEND STREET		BROOKLYN	2802	11
60 TOWNSEND STREET		BROOKLYN	2802	14
N/A TOWNSEND STREET		BROOKLYN	2803	7
N/A THOMAS STREET		BROOKLYN	2803	14
121 THOMAS STREET		BROOKLYN	2803	25
473 SCOTT AVENUE		BROOKLYN	2808	25

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NC04754



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 2798 LOT: 1
- (2) Property Address: 562 GARDNER AVENUE, BROOKLYN, NY 11222
- (3) Owner's Name: WASTE MANAGEMENT OF NEW YORK LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, at the property address or to an alternate mailing address. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner: WASTE MANAGEMENT OF NEW YORK, L.L.C.

Signature: 

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:
JACK S. PARKER, Authorized Representative

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	2802	1	548 GARDNER AVENUE	NY	NY	11222
BROOKLYN	2802	10	46 TOWNSEND STREET	NY	NY	00000
BROOKLYN	2799	1	494 SCOTT AVENUE	NY	NY	11222
BROOKLYN	2798	30	497 SCOTT AVENUE	NY	NY	11222
BROOKLYN	2802	11	58 TOWNSEND STREET	NY	NY	11222
BROOKLYN	2802	14	60 TOWNSEND STREET	NY	NY	11222
BROOKLYN	2803	7	N/A TOWNSEND STREET	NY	NY	00000
BROOKLYN	2803	14	N/A THOMAS STREET	NY	NY	00000
BROOKLYN	2803	25	121 THOMAS STREET	NY	NY	11222
BROOKLYN	2808	25	473 SCOTT AVENUE	NY	NY	11222

201009090015510101

NC04756



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 2798 LOT: 1
- (2) Property Address: 562 GARDNER AVENUE, BROOKLYN, NY 11222
- (3) Owner's Name: WASTE MANAGEMENT OF NEW YORK LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, at the property address or to an alternate mailing address. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: _____ Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

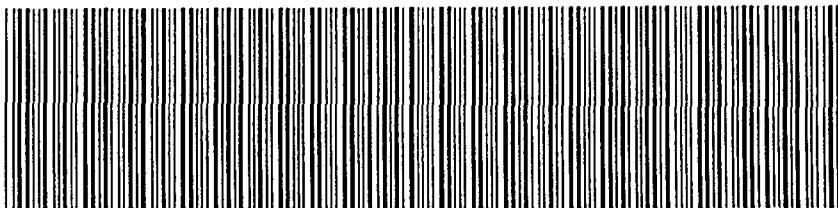
Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	2802	1	548 GARDNER AVENUE	NY	NY	11222
BROOKLYN	2802	10	46 TOWNSEND STREET	NY	NY	00000
BROOKLYN	2799	1	494 SCOTT AVENUE	NY	NY	11222
BROOKLYN	2798	30	497 SCOTT AVENUE	NY	NY	11222
BROOKLYN	2802	11	58 TOWNSEND STREET	NY	NY	11222
BROOKLYN	2802	14	60 TOWNSEND STREET	NY	NY	11222
BROOKLYN	2803	7	N/A TOWNSEND STREET	NY	NY	00000
BROOKLYN	2803	14	N/A THOMAS STREET	NY	NY	00000
BROOKLYN	2803	25	121 THOMAS STREET	NY	NY	11222
BROOKLYN	2808	25	473 SCOTT AVENUE	NY	NY	11222

201009090015510102

NC04758

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2012042000950001001E015E

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 6

Document ID: 2012042000950001

Document Date: 04-20-2012

Preparation Date: 04-20-2012

Document Type: NOTICE OF APPROPRIATION

Document Page Count: 5

PRESENTER:

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION
47-40 21ST STREET
ROOM 303
LONG ISLAND CITY, NY 11101
718-482-4776

RETURN TO:

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION
47-40 21ST STREET
ROOM 303
LONG ISLAND CITY, NY 11101
718-482-4776

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2803	25	Entire Lot	121 THOMAS STREET
Property Type: OTHER Easement				

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

PARTY ONE:

NEW YORK CITY
100 CHURCH STREET
NEW YORK, NY 10007

PARTY TWO:

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION
47-40 21ST STRET
LONG ISLAND CITY, NY 11101

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	
Exemption:			\$ 0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$ 0.00		\$ 0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ EXEMPT		
Affidavit Fee:	\$ 0.00		



**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 04-25-2012 17:42

City Register File No.(CRFN):

2012000165671

Annette McMill

City Register Official Signature

(SECTION A)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY

APPROPRIATION OF PROPERTY
BY THE PEOPLE OF THE STATE OF NEW YORK

PROJECT:

MAP NOS.:
57

PARCEL NOS.:
84

KOSCIUSZKO BRIDGE PROJECT
KINGS COUNTY
BOROUGH OF BROOKLYN

NOTICE OF APPROPRIATION

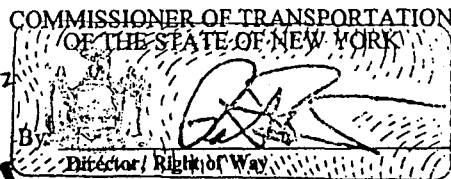
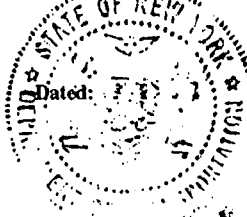
Pursuant to the statute set forth in the above maps

TO:

1. BED OF THOMAS STREET
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

TAKE NOTICE that on the 2ND day of APRIL 2012 there was filed in the office of the Department of Transportation a certified copy of each of the above designated maps of property; and that on the 24th day of April 2012, there was filed in the office of the city register of the county, in which such property is situated, a copy of each such maps.

TAKE FURTHER NOTICE that title to the property, easements, interests or rights set forth in said maps vested in the People of the State of New York upon such filing in the office of said city register.



CITY REGISTER'S CERTIFICATE OF FILING OF MAPS

State of New York) SS.:
County of KINGS)

I hereby certify that on the ____ day
of _____, 20____,
the Commissioner of Transportation caused a copy
of each of the maps referred to in the above
notice of appropriation, to be filed in this office.

(SEAL)

Dated: _____
City Register

CITY REGISTER'S CERTIFICATE OF FILING AND RECORDING OF NOTICE OF APPROPRIATION

State of New York)
County of KINGS) SS.:

I hereby certify that on the ____ day
of _____, 20____,
the Commissioner of Transportation caused the above
notice of appropriation to be filed and recorded
in this office.

(SEAL)

Dated: _____
City Register

KOSCIUSZKO BRIDGE PROJECT
CITY OF NEW YORK
QUEENS AND KINGS COUNTIES
INTERSTATE 278

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN X731.24

MAP NO. 57
PARCEL NO. 84
SHEET 1 OF 4 SHEETS

MAP REFERENCE INFORMATION:

Kosciuszko Bridge Rehabilitation PIN X730.40
Dated Dec. 10, 1998
Brooklyn F.S. Map #5 Dated January 15, 1993

Parcel Locator Point:

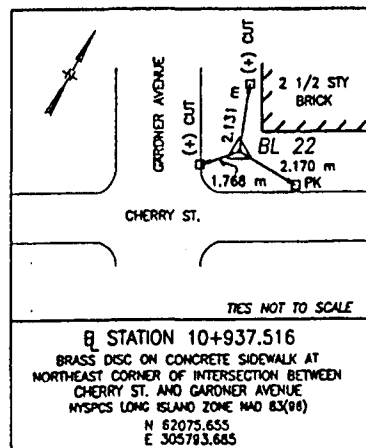
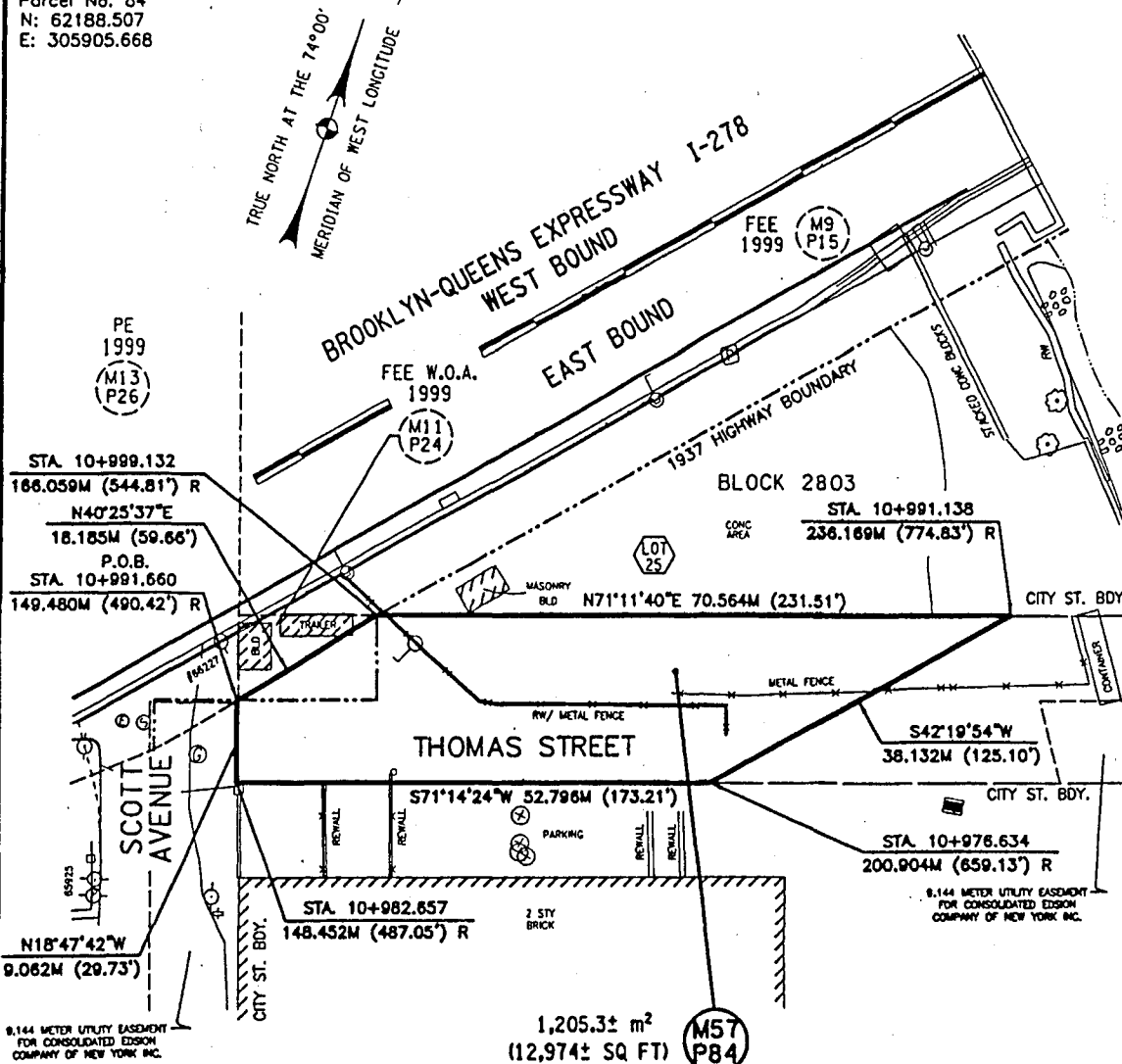
Parcel No. 84
N: 62188.507
E: 305905.668

A PORTION OF THE BED
OF THOMAS STREET
CITY OF NEW YORK

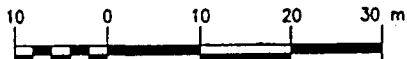
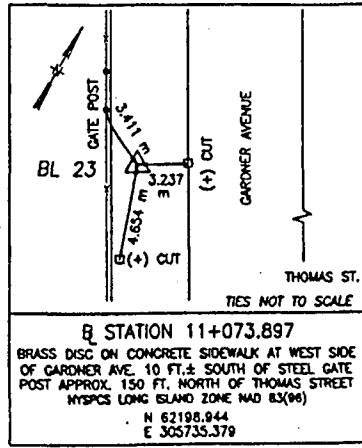
DAMAGE MAP 12332 &
STREET OPENING MAP 4186
TRN 59

PARCEL SUMMARY:

Acquisition Type: PERMANENT EASEMENT
Portion of 2009 Tax Map
Adjacent to Block 2803 Lot 25
Borough of Brooklyn
County of Kings
State of New York



A PORTION OF THE BED
OF THOMAS STREET
CITY OF NEW YORK



SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.76390673611 SQUARE FEET.

PREPARED BY: D. COOPER CHECKED BY: R. DEW FORW. CHECK BY: J. WATKINS

1:1 MAP - 0.4x0.4 - Kosciuszko Bridge Rehabilitation Map/Update/Map/57/84.dwg

NC04761

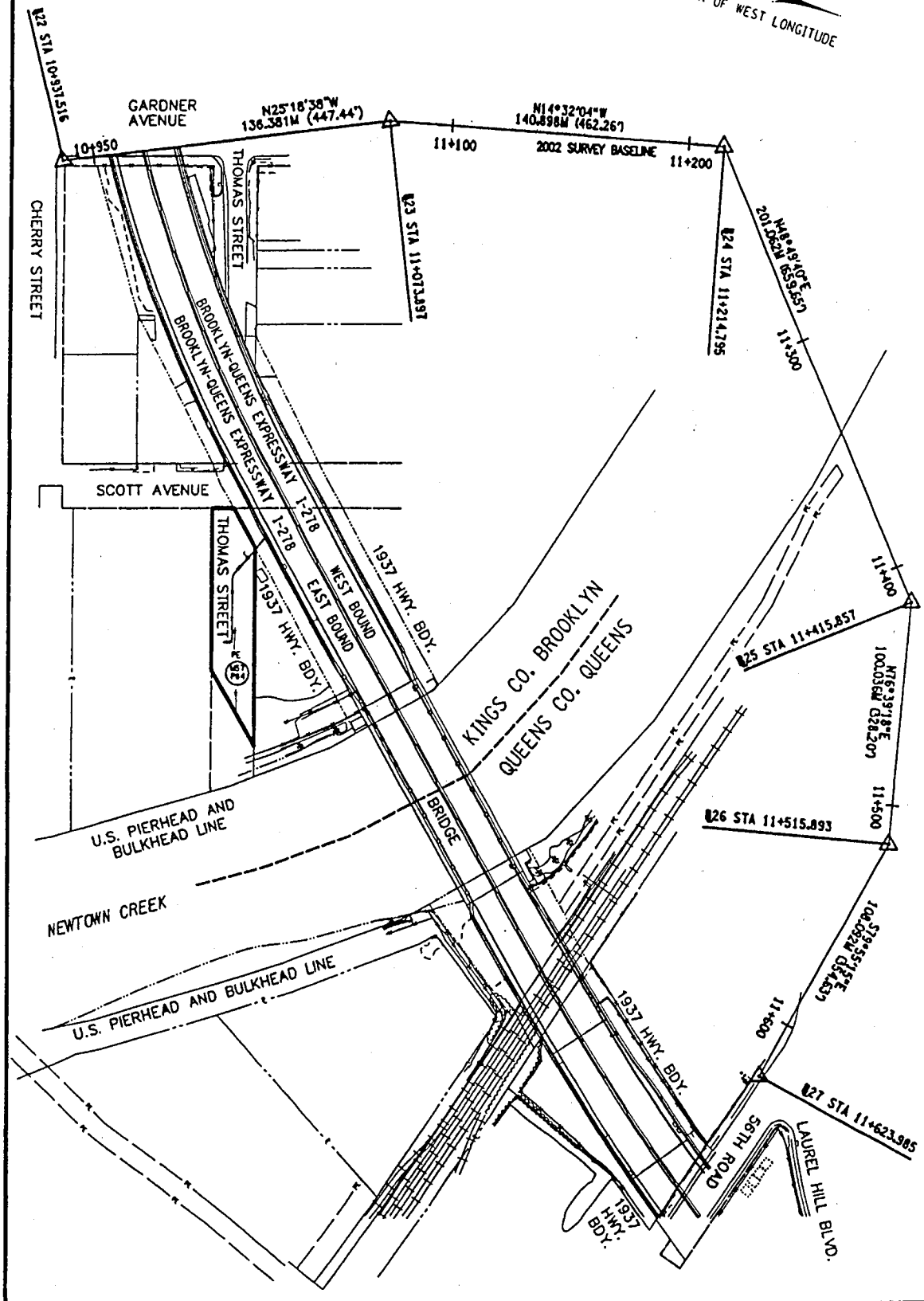
KOSCIUSZKO BRIDGE PROJECT
CITY OF NEW YORK
QUEENS AND KINGS COUNTIES
INTERSTATE 278

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN X731.24

MAP NO. 57
PARCEL NO. 84
SHEET 2 OF 4 SHEETS

A PORTION OF THE BED OF
THOMAS STREET
CITY OF NEW YORK
BASELINE SKETCH
(NOT TO SCALE)

TRUE NORTH AT THE 74°00'
MERIDIAN OF WEST LONGITUDE



PREPARED BY D. COOPER CHECKED BY R. DUELL FINAL CHECK BY J. WALDOWSKI

NC04762

PERMANENT EASEMENT FOR HIGHWAY PURPOSES

A permanent easement to be exercised in, on and over the property above delineated for the purpose of constructing, reconstructing and maintaining thereon a State Highway, together with such bridges and other facilities in connection therewith as may be deemed necessary by the Commissioner of Transportation in and to all that piece or parcel of property designated as Parcel No. 84, as shown on the accompanying map and described as follows:

Parcel No. 84

Beginning at a point (P.O.B.), as shown on the accompanying map, and being 149.480 meters (490.42 feet) distant right as measured at right angles from the project baseline, hereinafter designated Baseline, at Station 10+991.660;

1. Thence running northeasterly, N40°25'37"E, a distance of 18.185 meters (59.66 feet) to a point, said point being 166.059 meters (544.81 feet) distant right as measured at right angles from the Baseline at Station 10+999.132;
2. Thence running easterly, N71°11'40"E, a distance of 70.564 meters (231.51 feet) to a point, said point being 236.169 meters (774.83 feet) distant right as measured at right angles from the Baseline at Station 10+991.138;
3. Thence running southwesterly, S42°19'54"W, a distance of 38.132 meters (125.10 feet) to a point, said point being 200.904 meters (659.13 feet) distant right as measured at right angles from the Baseline at Station 10+976.634;
4. Thence running westerly, S71°14'24"W, a distance of 52.796 meters (173.21 feet) to a point, said point being 148.452 meters (487.05 feet) distant right as measured at right angles from the Baseline at Station 10+982.657;
5. Thence running northerly, N18°47'42"W, a distance of 9.062 meters (29.73 feet) to the point of BEGINNING.

Containing 1,205.3± square meters (12,974± square feet) or 0.1205± hectares (0.2978± acres).

RESERVING, however, to the owner of any right, title or interest in and to the property above delineated, and such owner's successors or assigns, the right of access and the right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for, and established by, the construction or reconstruction and as so constructed or reconstructed, the maintenance, of the herein identified project.

The above mentioned survey baseline is a portion of the 2002 survey baseline (NAD 83/96) for the Kosciuszko Bridge Project as shown on a map and plan on file in the Office of the State Department of Transportation and described as follows:

BEGINNING at Station 10+000; thence N34°02'25.1"E, a distance of 126.225 meters (414.12 feet) to Station 10+126.225; thence N59°21'10.6"E, a distance of 135.614 meters (444.93 feet) to Station 10+261.839; thence N55°07'32.4"E, a distance of 143.736 meters (471.57 feet) to Station 10+405.575; thence N71°11'26.1"E, a distance of 111.137 meters (364.62 feet) to Station 10+516.712; thence N66°00'27.9"E, a distance of 123.498 meters (405.18 feet) to Station 10+640.211; thence N75°13'15.9"E, a distance of 158.152 meters (518.87 feet) to Station 10+798.363; thence N65°09'02.3"E, a distance of 139.153 meters (456.54 feet) to Station 10+937.516; thence N25°18'37.7"W, a distance of 136.381 meters (447.44 feet) to Station 11+073.897; thence N14°32'03.9"W, a distance of 140.898 meters (462.26 feet) to Station 11+214.795; thence N48°49'39.9"E, a distance of 201.062 meters (659.65 feet) to Station 11+415.857; thence N76°39'17.5"E, a distance of 100.036 meters (328.20 feet) to Station 11+515.893; thence S79°55'15.1"E, a distance of 108.092 meters (354.63 feet) to Station 11+623.985; thence N42°53'07.0"E, a distance of 189.402 meters (621.40 feet) to Station 11+813.387; thence N24°39'57.0"E, a distance of 198.402 meters (650.92 feet) to Station 12+011.789; thence N23°27'01.6"E, a distance of 156.445 meters (513.27 feet) to Station 12+168.234; thence N34°47'31.5"E, a distance of 157.648 meters (517.22 feet) to Station 12+325.882; thence N27°38'14.0"W, a distance of 79.947 meters (262.29 feet) to Station 12+405.829; thence N67°32'38.6"W, a distance of 114.424 meters (375.41 feet) to Station 12+520.253; thence N48°04'04.9"W, a distance of 143.637 meters (471.25 feet) to Station 12+663.890.

All bearings and distances are referenced to the New York State Plane Coordinate System, NAD 1983-96, Long Island Zone.

All bearings referred to True North at the 74°-00'-00" Meridian of West Longitude.

KOSCIUSZKO BRIDGE PROJECT
CITY OF NEW YORK
QUEENS AND KINGS COUNTIES
INTERSTATE 278

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN X731.24

MAP NO. 57
PARCEL NO. 84
SHEET 4 OF 4 SHEETS

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date Feb 13 2012

Sonia A. Pichardo
Sonia A. Pichardo, P.E.
Regional Design Engineer
for the Regional Director of
Transportation Region No. 11



Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law.

I hereby certify that this map was prepared in accordance with current NYSDOT policies, standards and procedures.

M.J. Engineering and Land Surveying, P.C.

Date FEBRUARY 9 2012

Joseph G. Malinowski
Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

A PORTION OF THE BED OF
THOMAS STREET
CITY OF NEW YORK

Map No. 57
Parcel No. 84

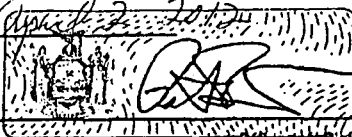
Total Area=1,205.3± sm (12,974± sf)
0.1205± ha (0.2978± ac)

Map of property in and to which an easement as hereinabove defined is deemed necessary by the Commissioner of Transportation to be acquired by appropriation in the name of the People of the State of New York for purposes connected with the highway system of the State of New York pursuant to Section 30 of the Highway Law and the Eminent Domain Procedure Law.

There is excepted from this appropriation all the right, title and interest, if any, of the United States of America, in or to said property.

Pursuant to the statute(s) set forth above and the authority delegated to me by Official Order of the Commissioner of Transportation, this acquisition map is hereby approved and filed in the main office of the New York State Department of Transportation.

Date April 22 2012



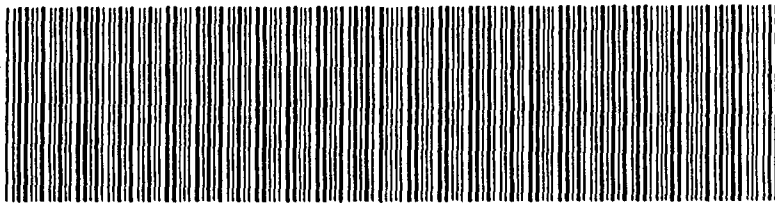
Office of Right of Way

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the Department of Transportation, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

[Signature]

Office of Right of Way

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2012042000950001001SCFDF

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2012042000950001

Document Date: 04-20-2012

Preparation Date: 04-20-2012

Document Type: NOTICE OF APPROPRIATION

ASSOCIATED TAX FORM ID: 2012042000330

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

RECORDING FEE EXEMPTION DOCUMENTATION

1

RP - 5217 REAL PROPERTY TRANSFER REPORT

1

REMARKS:

NYSDOT exemption letter attached

Adjacent to Block 2803 Lot 25

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION 11
47-40 21ST STREET
LONG ISLAND CITY, N.Y. 11101
www.nysdot.gov

PHILLIP ENG, P. E.
REGIONAL DIRECTOR

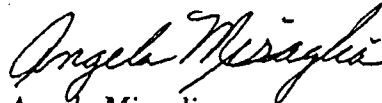
JOAN McDONALD
COMMISSIONER

Dear Sir/Madam:

Please file the following documents without charge or fee pursuant to Section 161 of the Executive Law:

M 57 P84

Very truly yours



Angela Miraglia
Acting Regional Real Estate Officer

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

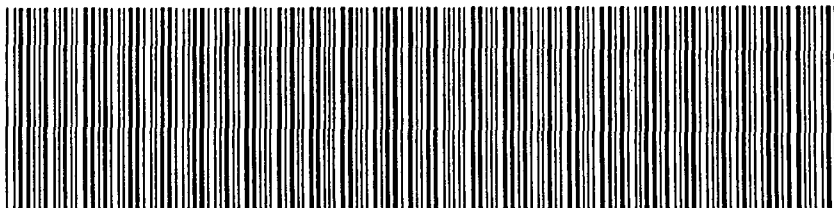
BUYER			BUYER'S ATTORNEY	
BUYER SIGNATURE 47-40 21ST STRET		DATE 4/24/17	LAST NAME	FIRST NAME
STREET NUMBER 47-40	STREET NAME (AFTER SALE) 21ST STRET		AREA CODE	TELEPHONE NUMBER
CITY OR TOWN LONG ISLAND CITY		STATE NY	SELLER	
		ZIP CODE 11101	SELLER SIGNATURE	DATE

2012042000330201

NC04769

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2011110400453001001ECB76

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 7

Document ID: 2011110400453001

Document Date: 11-04-2011

Preparation Date: 11-04-2011

Document Type: NOTICE OF APPROPRIATION

Document Page Count: 6

PRESENTER:

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION
47-40 21ST STREET
ROOM 303
LONG ISLAND CITY, NY 11101
718-482-4776

RETURN TO:

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION
47-40 21ST STREET
ROOM 303
LONG ISLAND CITY, NY 11101
718-482-4776

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2803	14	Partial Lot	N/A THOMAS STREET
Property Type: OTHER Easement				

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

PARTY ONE:

CITY OF NEW YORK
OFFICE OF THE CORPORATION COUNSEL, 100
CHURCH STREET
NEW YORK, NY 10007

PARTY TWO:

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION
47-40 21ST STREET
LONG ISLAND CITY, NY 11101

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Exemption:			\$ 0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	\$ 0.00
City (Additional):	\$ 0.00		\$ 0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ EXEMPT		
Affidavit Fee:	\$ 0.00		



**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 11-09-2011 16:17

City Register File No.(CRFN):

2011000392684

Annette McMill

City Register Official Signature

(SECTION A)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY

APPROPRIATION OF PROPERTY
BY THE PEOPLE OF THE STATE OF NEW YORK

PROJECT:

MAP NOS.:
84

PARCEL NOS.:
120

KOSCIUSZKO BRIDGE PROJECT
KINGS COUNTY
BOROUGH OF BROOKLYN

NOTICE OF APPROPRIATION

Pursuant to the statute set forth in the above maps

TO:

1. A PORTION OF THE BED OF NEWTON CREEK
2. CITY OF NEW YORK, 100 CHURCH STREET, NEW YORK, NY 10007
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

TAKE NOTICE that on the 15TH day of APRIL 2011 there was filed in the office of the Department of Transportation a certified copy of each of the above designated maps of property; and that on the day of Nov 2011, there was filed in the office of the city register of the county, in which such property is situated, a copy of each such maps.

TAKE FURTHER NOTICE that title to the property, easements, interests or rights set forth in said maps vested in the People of the State of New York upon such filing in the office of said city register.

COMMISSIONER OF TRANSPORTATION
OF THE STATE OF NEW YORK

Dated:

By:

Director, Right of Way



CITY REGISTER'S CERTIFICATE OF FILING OF MAPS

State of New York) SS.:
County of KINGS)

I hereby certify that on the ____ day
of _____, 20____,
the Commissioner of Transportation caused a copy
of each of the maps referred to in the above
notice of appropriation, to be filed in this office.

(SEAL)

Dated: _____

City Register

CITY REGISTER'S CERTIFICATE OF FILING AND RECORDING OF NOTICE OF APPROPRIATION

State of New York)
County of KINGS) SS.:

I hereby certify that on the ____ day
of _____, 20____,
the Commissioner of Transportation caused the above
notice of appropriation to be filed and recorded
in this office.

(SEAL)

Dated: _____

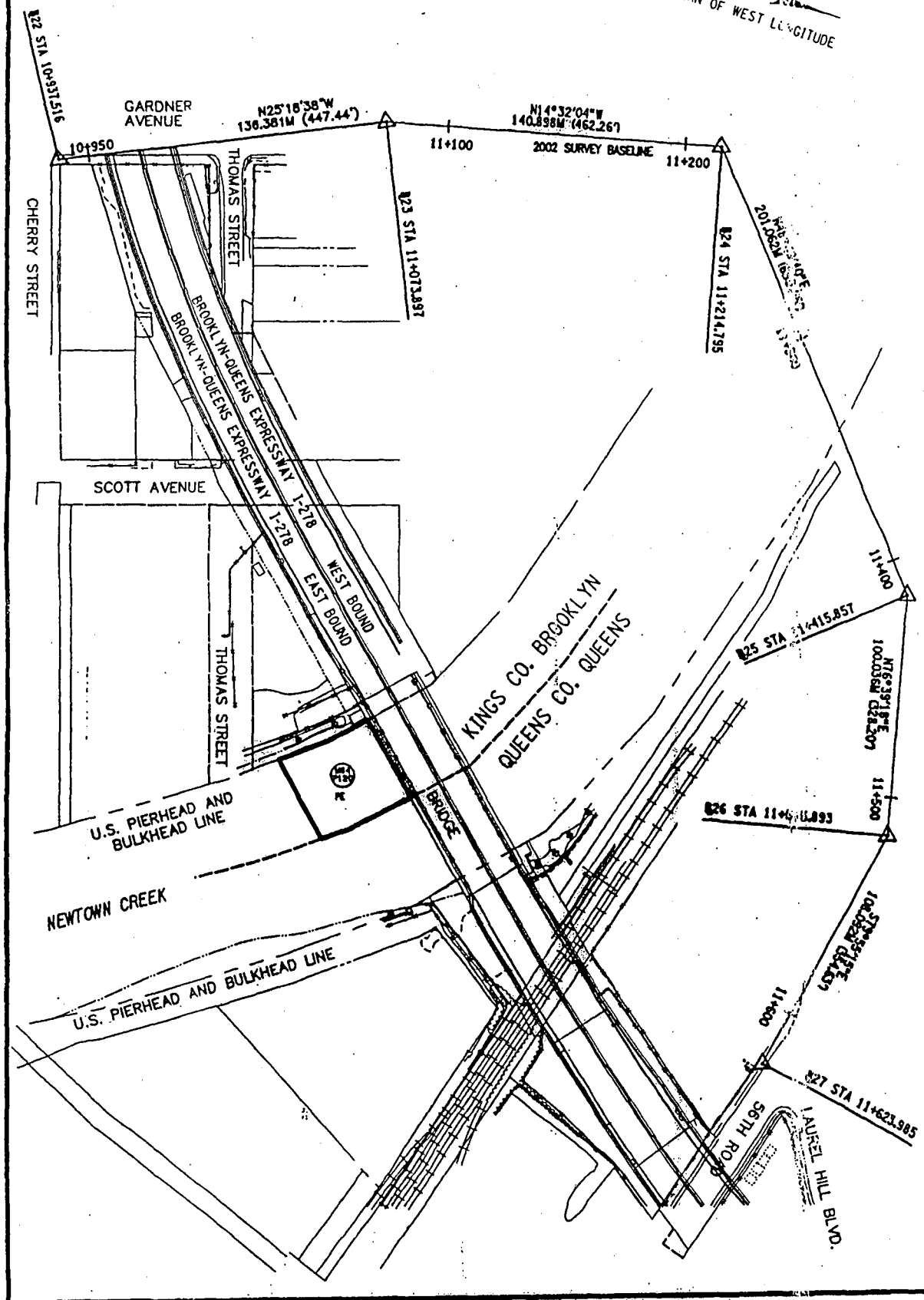
City Register

MAP NO. 84
PARCEL NO. 120
SHEET 1 OF 5 SHEETS

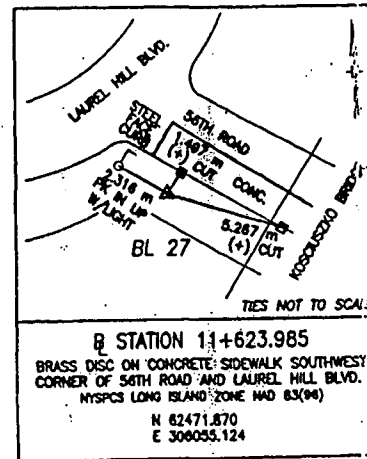
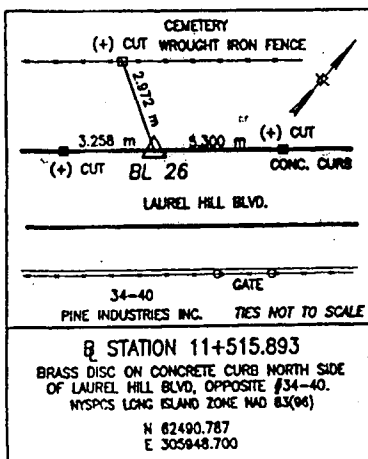
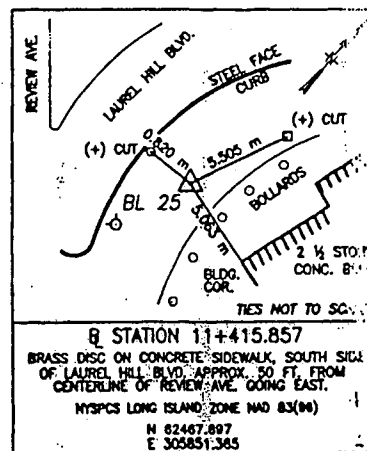
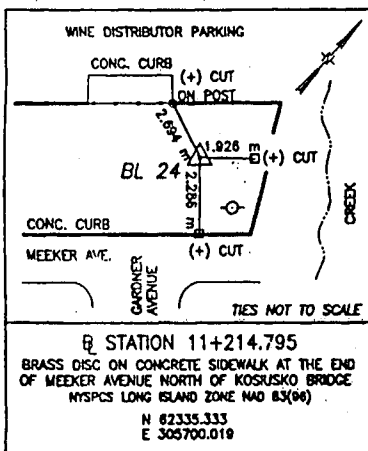
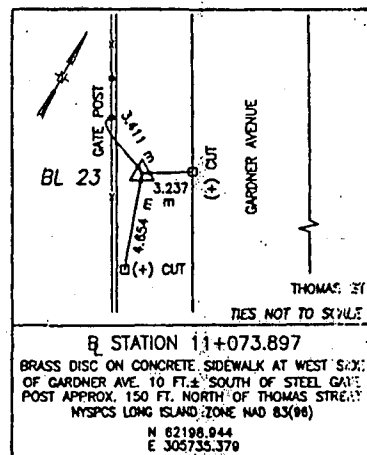
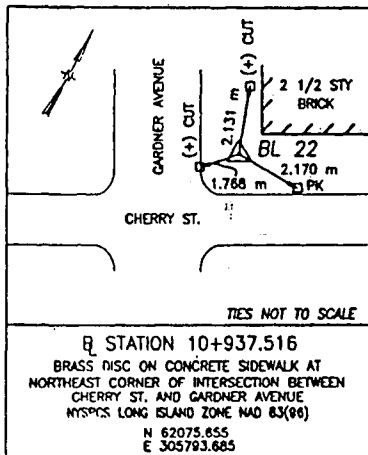
A PORTION OF THE
BED OF NEWTOWN CREEK

BASELINE SKETCH
(NOT TO SCALE)

TRUE NORTH AT THE 74°00'
MERIDIAN OF WEST LONGITUDE



1. NAME _____



All that piece or parcel of property hereinafter designated as Parcel No. 120, situate in the County of Kings, State of New York, as shown on the accompanying map and described as follows:

Parcel No. 120

Beginning at a point (P.O.B.), as shown on the accompanying map, and being 211.988 meters (695.50 feet) distant right as measured at right angles from the project baseline, hereinafter designated Baseline, at Station 11+577.205;

1. Thence running northeasterly, N42°13'33"E, a distance of 38.032 meters (124.78 feet) to a point, said point being 179.787 meters (589.85 feet) distant right as measured at right angles from the Baseline at Station 11+597.441;
2. Thence running southeasterly, S47°54'27"E, a distance of 21.135 meters (69.34 feet) to a point, said point being 190.991 meters (626.61 feet) distant right as measured at right angles from the Baseline at Station 11+615.362;
3. Thence running southeasterly, S38°49'18"E, a distance of 19.217 meters (63.05 feet) to a point, said point being 292.584 meters (959.92 feet) distant right as measured at right angles from the Baseline at Station 11+014.532;
4. Thence running southwesterly, S42°16'07"W, a distance of 38.531 meters (126.41 feet) to a point, said point being 236.232 meters (775.04 feet) distant right as measured at right angles from the Baseline at Station 11+609.317;
5. Thence running northwesterly, N38°54'29"W, a distance of 22.284 meters (73.11 feet) to a point, said point being 221.609 meters (727.06 feet) distant right as measured at right angles from the Baseline at Station 11+592.503;
6. Thence running northwesterly, N47°45'18"W, a distance of 18.072 meters (59.92 feet) to the point of BEGINNING.

Containing 1,536.4± square meters (16,538± square feet) or 0.1536± hectares (0.3797± acres).

RESERVING, however, to the owner of any right, title or interest in and to the property above delineated, and such owner's successors or assigns, the right of access and the right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for, and established by, the construction or reconstruction and as so constructed or reconstructed, the maintenance, of the herein identified project.

The above mentioned survey baseline is a portion of the 2002 survey baseline (NAD 83/96) for the Kosciuszko Bridge Project as shown on a map and plan on file in the Office of the State Department of Transportation and described as follows:

BEGINNING at Station 10+000; thence N34°02'25.1"E, a distance of 126.225 meters (414.12 feet) to Station 10+126.225; thence N59°21'10.6"E, a distance of 135.614 meters (444.93 feet) to Station 10+261.839; thence N55°07'32.4"E, a distance of 143.736 meters (471.57 feet) to Station 10+405.575; thence N71°11'26.1"E, a distance of 111.137 meters (364.62 feet) to Station 10+516.712; thence N66°00'27.9"E, a distance of 123.498 meters (405.18 feet) to Station 10+640.211; thence N75°13'15.9"E, a distance of 158.152 meters (518.87 feet) to Station 10+798.363; thence N65°09'02.3"E, a distance of 139.153 meters (456.54 feet) to Station 10+937.516; thence N25°18'37.7"W, a distance of 136.381 meters (447.44 feet) to Station 11+073.897; thence N14°32'03.9"W, a distance of 140.898 meters (462.26 feet) to Station 11+214.795; thence N48°49'39.9"E, a distance of 201.062 meters (659.65 feet) to Station 11+415.857; thence N76°39'17.5"E, a distance of 100.036 meters (328.20 feet) to Station 11+515.893; thence S79°55'15.1"E, a distance of 108.092 meters (354.63 feet) to Station 11+623.985; thence N42°53'07.0"E, a distance of 189.402 meters (621.40 feet) to Station 11+813.387; thence N24°39'57.0"E, a distance of 198.402 meters (650.92 feet) to Station 12+011.789; thence N23°27'01.6"E, a distance of 156.445 meters (513.27 feet) to Station 12+168.234; thence N34°47'31.5"E, a distance of 157.648 meters (517.22 feet) to Station 12+325.882; thence N27°38'14.0"W, a distance of 79.947 meters (262.29 feet) to Station 12+405.829; thence N67°32'38.6"W, a distance of 114.424 meters (375.41 feet) to Station 12+520.253; thence N48°04'04.9"W, a distance of 143.637 meters (471.25 feet) to Station 12+663.890.

All bearings and distances are referenced to the New York State Plane Coordinate System, NAD 1983-96, Long Island Zone.

All bearings referred to True North at the 74°-00'-00" Meridian of West Longitude.

MAP NO. 04
PARCEL NO. 120
SHEET 5 OF 5 SHEETS

Date March 04 2011

M.J. Engineering and Land Surveying, P.C.

Date MARCH 03 2011

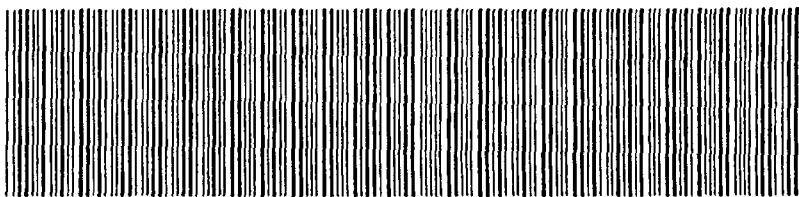
Joseph G. Mallinowski - Land Surveyor
P.L.S. License No. 50314

Total Area=1,536.4± sq (16,538± sf)
0.1536± ha (0.3797± ac)

Date _____

Real Estate Division

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2011110400453001001S05F7

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2011110400453001

Document Date: 11-04-2011

Preparation Date: 11-04-2011

Document Type: NOTICE OF APPROPRIATION

ASSOCIATED TAX FORM ID: 2011110400095

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

RECORDING FEE EXEMPTION DOCUMENTATION

1

RP - 5217 REAL PROPERTY TRANSFER REPORT

1

REMARKS:

New York State Dept of Transportation exempt letter

C1. County Code C2. Date Deed Recorded / /
Month Day Year

C3. Book C4. Page

C5. CRFN



RP - 5217NYC

1. Property Location	N/A	THOMAS STREET	BROOKLYN	00000
	STREET NUMBER	STREET NAME	BOROUGH	ZIP CODE

NEW YORK STATE DEPARTMENT OF TRANSPORTATION	
2. Buyer Name	
LAST NAME / COMPANY	FIRST NAME
LAST NAME / COMPANY	FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent
 If other than buyer address (at bottom of form)

LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR ☒ Part of a Parcel

4A. Planning Board Approval - N/A for NYC
4B. Agricultural District Notice - N/A for NYC

5. Deed
Property
Size

FRONT FEET X DEPTH OR ACRES

Check the boxes below as they apply:

6. Ownership Type is Condominium

7. New Construction on Vacant Land

8. Seller Name

CITY OF NEW YORK	LAST NAME / COMPANY	FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A	<input type="checkbox"/>	One Family Residential	C	<input type="checkbox"/>	Residential Vacant Land	E	<input checked="" type="checkbox"/>	Commercial	G	<input type="checkbox"/>	Entertainment / Amusement	I	<input type="checkbox"/>	Industrial
B	<input type="checkbox"/>	2 or 3 Family Residential	D	<input type="checkbox"/>	Non-Residential Vacant Land	F	<input type="checkbox"/>	Apartment	H	<input type="checkbox"/>	Community Service	J	<input type="checkbox"/>	Public Service

10. Sale Contract Date 11 / 4 / 2011
Month Day Year

11. Date of Sale / Transfer 11 / 4 / 2011
Month Day Year

12. Full Sale Price \$ 0

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A	<input type="checkbox"/>	Sale Between Relatives or Former Relatives
B	<input type="checkbox"/>	Sale Between Related Companies or Partners in Business
C	<input type="checkbox"/>	One of the Buyers is also a Seller
D	<input checked="" type="checkbox"/>	Buyer or Seller is Government Agency or Lending Institution
E	<input type="checkbox"/>	Deed Type not Warranty or Bargain and Sale (Specify Below)
F	<input type="checkbox"/>	Sale of Fractional or Less than Fee Interest (Specify Below)
G	<input type="checkbox"/>	Significant Change in Property Between Taxable Status and Sale Dates
H	<input type="checkbox"/>	Sale of Business is Included in Sale Price
I	<input type="checkbox"/>	Other Unusual Factors Affecting Sale Price (Specify Below)
J	<input type="checkbox"/>	None

15. Building Class Z 9

16. Total Assessed Value (of all parcels in transfer) 7 8 7 5 0

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))

BROOKLYN 2803 14

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER**BUYER'S ATTORNEY**

BUYER SIGNATURE <i>J. J. for NYSDOT</i>		DATE <i>11/4/11</i>		LAST NAME		FIRST NAME	
STREET NUMBER <i>4740 21ST STREET</i>		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
CITY OR TOWN <i>LONG ISLAND CITY</i>		STATE <i>NY</i>		ZIP CODE <i>11101</i>		SELLER	
				SELLER SIGNATURE		DATE	

2011110400095201

NC04779

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York)
) SS.:
County of)

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

N/A THOMAS STREET

BROOKLYN New York, 2803 14 (the "Premises");
Borough New York Block Lot

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

Name of Grantor (Type or Print)

Signature of Grantor

Sworn to before me
this _____ date of _____ 20 _____

SEAL

Jeffrey Silverberg for NYSDOT
Name of Grantee (Type or Print)

Jeffrey Silverberg for NYSDOT
Signature of Grantee

Sworn to before me
this 4th date of NOVEMBER 20 2011

GUEVARA ANA J. MELDA
Notary Public, State of New York
No. 01GU6212717

These statements are made with the knowledge that a willfully false statement is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 2803 LOT: 14
- (2) Property Address: N/A THOMAS STREET, BROOKLYN, NY 00000
- (3) Owner's Name: NEW YORK STATE DEPARTMENT OF TRANSPORTATION
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, at the property address or to an alternate mailing address. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: _____ Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable: